

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No. 900 of 2015 ()

CRIME NO. 64/2015 OF ELAMAKKARA POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NO.2 & 6 :

- 1. BABU,
S/O.HARIHARAN, AGED 38,
KALLUTHARA PARAMB HOUE,
SUBASH NAGAR, CHUTTUPADUKARA
EDAPPALLY NORTH.**
- 2. PRADEEP,
S/O KRISHNA PILLA,
AGED 44, THUNDIPARAMBIL HOUSE
NEAR MARIYAMMAN TEMPLE, CHUTTUPADUKARA,
PONEKKARA, EDAPPALLY NORTH.**

BY ADV. SRI.K.V.SABU

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY SR. PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

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B.A. No.900 of 2015

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Dated this the 5th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioners are A2 and A6 in Crime No.64 of 2015 of the Elamakkara Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323 and 302 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 21.01.2015, they along with the other accused consumed liquor from a Bar and came by an auto-rickshaw and a motorbike and formed themselves into an unlawful assembly armed with deadly weapons. They wrongfully restrained deceased Ravikumar and attacked him. It is

alleged that A1, A2, A4, A5, A6 and A7 slapped and fisted the deceased. A1 repeatedly stabbed the deceased on his chest and abdomen with a knife. When he was attempted to be taken away to the hospital, by his wife, by an auto-rickshaw, the same was obstructed by A1 and he pushed down the wife of the deceased from the auto-rickshaw. Again the deceased was taken to the hospital by an auto-rickshaw, where he succumbed to the injuries. The 1st petitioner has been in custody for the period from 22.01.2015 onwards and the 2nd petitioner has been in custody for the period from 23.01.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioners. All the main overt acts are alleged against A1 and the injuries which have resulted in the body of the deceased were allegedly caused by A1. Only allegation against the petitioners is that they were also

members of the unlawful assembly, and they slapped the deceased and wrongfully restrained the deceased. The contents of the CD reveal that the investigation of this case, as far as the present petitioners are concerned, is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Matters being so, having regard to the period undergone by the petitioners in custody, the present stage of the investigation and the absence of any criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail on conditions.

In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) Petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners shall not tamper with the evidence or influence witnesses.

(iii) Petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

**Sd/-
B. KEMAL PASHA
JUDGE**

DSV/5/3/15

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P.A.To Judge