

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 944 of 2015

CRIME NO. 448/2013 OF KATTAKADA POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED NO.13 :

**RAJAGOPAL, S/O.SREENIVASAN NAIR, AGED 26 YEARS,
S.M.SADANAM, KAVINPURAM, KURUTHAMCODE,
AMACHALMURY, KULATHUMMAL VILLAGE,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARUN KRISHNA DHAN**

RESPONDENT(S)/COMPLAINANT & STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.944 2015
.....

Dated this the 24th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 13<sup>th</sup> accused in Crime No.448/2013 of Kattakada Police Station registered for the offences punishable under Sections 120B, 143, 147, 148, 302, 201 and 212 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 05.05.2013 at 7 p.m. they formed themselves into an unlawful assembly at Alamkode junction near Ambalathinkala and inflicted grievous hurt to Asokan alias Sreekumar by using a chopper and wooden planks. The deceased succumbed to the injuries on the way to the hospital. The allegation against the petitioner is that he was also a part to the conspiracy and after the incident, he had arranged a vehicle for taking the other accused to their

place of hiding, thereby harbouring the offenders. The petitioner has been in custody for the period from 07.02.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Senior Public Prosecutor.

5. It seems that the allegation against the petitioner is that he was also a part of the conspiracy and he had harboured the other offenders. All the main overt acts are alleged against the other accused. No criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh 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) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesday and Fridays commencing from 03.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) The petitioner shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioner 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)**

aks/24/02

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*PA to Judge*