

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.946 of 2015

(CRIME NO.185/2015 OF PAYYANNUR POLICE STATION,KANNUR).

...

PETITIONERS/ACCUSED NO.3 & 4:

1. **RAGESH.K,AGED 30 YEARS,S/O.RAGHAVAN,
KAIKKOLAT (H),RAMANTHALI AMSOM,
KUNNARU,RAMANTHALI P.O,KANNUR DISTRICT.**
2. **SAMJITH B.J,AGED 26 YEARS,S/O.BABU,
JOLI (H),RAMANTHALI AMSOM,
KUNNARU ONAPARAMB,KANNUR DISTRICT.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

RESPONDENT/RESPONDENT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

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

pk

B.KEMAL PASHA, J.

=====

B.A. No.946 of 2015

=====

Dated this the 24th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

The petitioners are A3 and A4 in Crime No.185 of 2015 of the Payyannur Police Station, registered for the offences punishable under Sections 341, 323, 324, 326 and 308 read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioners is that on 04.02.2015 at 8.30 p.m., they under the leadership of the 1st accused came by an auto-rickshaw and attempted to knock down the defacto complainant by using auto-rickshaw. The defacto complainant fell on the road. He was wrongfully restrained by the petitioners thereby enabling the 2nd

accused to hit on the face of the defacto complainant with a granite stone, thereby causing fracture of a tooth. It is alleged that the petitioners and the other accused slapped and stamped the defacto complainant. The petitioners have been in custody for the period from 07.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioners. 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 Tuesdays 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) 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/24/2/15

// True Copy //

P.A. To Judge