

**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. 1025 of 2015**  
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**CRIME NO. 1/2015 OF KODENCHERY POLICE STATION, KOZHIKODE DISTRICT.**  
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**PETITIONER/1ST ACCUSED:**  
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**BENNY THOMAS,  
S/O.THOMAS, AGED 50 YEARS,  
NADUVILEDATH PUTHANPURAYIL HOUSE,  
MAIKKAV P.O., THAMARASSERY,  
KOZHIKODE DIST.**

**BY ADV. SMT.P.RREENA**

**RESPONDENT(S)/COMPLAINANT & STATE:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN-682031.**
- 2. SUB INSPECTOR OF POLICE,  
KODANCHERY POLICE STATION,  
KOZHIKKODE DISTRICT, PIN-673 580.**

**BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.**

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

**mbr/**

**B.KEMAL PASHA, J.**

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B.A.No.1025 of 2015  
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Dated this the 24<sup>th</sup> day of February 2015

ORDER

Petition under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.1/2015 of Kodanchery Police Station, Kozhikode district, registered for the offences punishable under Sections 342, 323, 324 and 308 read with Section 34 IPC.

3. On 01.01.2015 at 10.30 a.m., while the *defacto complainant* was walking through the road, he could see the petitioner riding on his motor bike in a tremendous speed and rushing towards him, out of his previous enmity, with a view to causing his death. He jumped aside and even then, the petitioner hit on his body with the motor bike. He fell down and thereafter,

petitioner hit him with a granite stone on his head. He was severely beaten up. It is alleged that A2 and A3 caught hold of him, thereby enabling the petitioner to attack him. When he was taken to the hospital, it is alleged that, A4, A5 and A6 obstructed the vehicle and did not permit him to be taken to the hospital. The petitioner has been in custody for the period from 12.2.2015 onwards.

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

5. It seems that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied that the petitioner can be

enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his 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) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Tuesdays and Fridays, commencing from 3.3.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of the Kodanchery Police Station, Kozhikode district for a period of six months from today.

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

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating

Officer.

(v) 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**

*dl*

*// True Copy //*

*PA to Judge*