

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 1052 of 2015 ()

CRIME NO. 539/2014 OF CENTRAL POLICE STATION, ERNAKULAM DISTRICT

APPLICANTS/ACCUSED NOS. 1, 2, 4, 6, 8 AND 9 :

- 1. ATHUL KRISHNA, AGED 18 YEARS
S/O.RATHEESH, KAPPALUNGIL HOUSE, PUTHANANGADI
ARoor PO, ALAPPUZHA**
- 2. AKSHAY G. GOPI, AGED 18 YEARS
S/O.V.P.GOPI, PUTHUSSERIPARAMBIL HOUSE, PONEKKARA
AIMS PO., KOCHI - 682041**
- 3. BALU PRADEEP, AGED 19 YEARS
S/O.PRADEEP, VAZHAKKAPPILLY HOUSE, AIMS P.O.
NORTHERN SIDE OF AIMS HOSPITAL
EDAPPILLY NORTH VILLAGE, KANAYANNUR TALUK**
- 4. AMAL, AGED 18 YEARS
S/O.MANOJ P.V., PUTHUVASSERY VEEDU, PUTHUVYPPU P.O.
VYPIN**
- 5. VYSSAKH MOHAN, AGED 18 YEARS
S/O.MOHANAN, PUTHUPARAMBIL HOUSE, CHOTTANIKKARA P.O.
KOCHI 682312**
- 6. RAHUL K.B., AGED 18 YEARS
S/O.BONEY, KALATHIPARAMBIL HOUSE, NJARAKKAL P.O.
VALAKADAVU, ERNAKULAM, PIN 682505**

**BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADV. SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT :

**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 02-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1052 2015
.....

Dated this the 2nd day of March, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1, 2, 4, 6, 8 and 9 respectively in Crime No.539/2014 of Central Police Station, Ernakulam district, registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 307 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and other accused is that on 20.03.2014 at 1.50 p.m. they attacked the de facto complainant and his friend. It is alleged that A1 inflicted a cut on the head of the de facto complainant with a chopper, A2 beat on his head with an iron rod and A3 beat with an iron rod below his left knee. When he fell down, A4 beat him with an iron chain. When the friend of the de facto complainant intervened for his rescue, he was also beaten

up by A5 to A9 with iron rods and he was stamped and fisted. A4 to A9 were arrested on 31.01.2015 and the other accused have surrendered on 03.02.2015 and thereafter, they have been in custody.

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

5. The contents of the CD reveal that the investigation of this case is practically over. The continued detention of the petitioners is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the fact that they are students, I am satisfied that the petitioners can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for ₹50,000/-(Rupees fifty 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 09.03.2015 for a period of six months.

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

(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) The 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)

aks/02/03

// True Copy //

PA to Judge