

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 1116 of 2015 ()

CRIME NO. 257/2015 OF ERAVIPURAM POLICE STATION, KOLLAM DISTRICT

PETITIONER/2ND ACCUSED :

SHAMEER
AGED 22 YEARS, S/O.ABDUL SALIM
RESIDING AT KALLUMMOOTIL PADINJATTATHIL
THEKKEVILA CHERRY, MUNDAKKAL VILLAGE
FROM MUPPARASSERI THODIYIL VEEDU, SARGGADHARA NAGAR
THEKKEVILA CHERRY, MUNDAKKAL VILLAGE.

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
REPRESENTING THE SUB INSPECTOR OF POLICE
ERAVIPURAM POLICE STATION,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1116 of 2015
.....

Dated this the 4th day of March, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.257/2015 of Eravipuram Police Station, Kollam district, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 15.02.2015 at 6.20 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons, committed rioting and rioting armed with deadly weapons. It is alleged that they attacked the de facto complainant and he was beaten up, stamped and kicked. The 1st accused had made use of a steel rod for beating him up. The petitioner has been in custody for the period from

18.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. 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.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹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 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 11.03.2015 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/04/03

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PA to Judge