IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Bail Appl..No. 1151 of 2015 ()

CRIME NO. 2294/2014 OF CENTRAL POLICE STATION, ERNAKULAM DISTRICT.

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APPLICANTS/ACCUSED NOS.1, 3, TO 5 AND 12:-

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1. **BALU PRADEEP, AGED 19 YEARS,**
   S/O.PRADEEP, VAZHAKKAPPILLY HOUSE,
   AIMS P.O., NORTHERN SIDE OF AIMS HOSPITAL,
   EDAPPILLY NORTH VILLAGE, KANAYANNUR TALUK.

2. **AKSHAY G.GOPI, AGED 18 YEARS,**
   S/O.V.P.GOPI, PUTHUSSERIPARAMBIL HOUSE,
   PONEKKARA, AIMS P.O., KOCHI - 682 041.

3. **VYSSAKH MOHAN, AGED 18 YEARS,**
   S/O.MOHANAN, PUTHUPARAMBIL HOUSE,
   CHOTTANIKKARA P.O., KOCHI - 682 312.

4. **VISHNU VENUGOPAL, AGED 20 YEARS,**
   S/O.T.N.VENUGOPAL, THEKKEDATH HOUSE,
   UDAYAMPEROOR P.O., PUTHIYAKAVU.

5. **NIROSH, AGED 21 YEARS,**
   S/O.SHAJI, THITTETHRU HOUSE,
   MALAPPURAM P.O.

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

RESPONDENT/COMPLAINANT:-

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

BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs.

B. KEMAL PASHA, J.

B.A. No.1151 of 2015

Dated this the 6th day of March, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1, A3, A4, A5 and A12 respectively in Crime No.2294/2014 of Central Police Station, Ernakulam registered for the offences punishable under Sections 143, 144, 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 09.10.2014 at 10.15 a.m. they, who are so called students of Maharajas College, Ernakulam, formed themselves into an unlawful assembly, armed with deadly weapons like sword sticks, iron rods, wooden reapers, etc., committed rioting and rioting armed with deadly weapons. It is alleged that A1 inflicted cuts on the head of the de facto complainant and his friend Habeeb with a sword stick,

thereby causing very serious injuries. It is alleged that A2 beat on the back of the de facto complainant with a wooden reaper and A3 beat on the left elbow of the de facto complainant with an iron rod. It is alleged that the other accused have kicked and stamped the de facto complainant and Habeeb. The 1st petitioner was arrested on 31.01.2015 and the other petitioners 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 learned Public Prosecutor has pointed out that the petitioners are involved in three other similar cases. It seems that the 1st petitioner is in the habit of making use of sword stick and all the main overt acts are alleged against him. It seems that both the injured have sustained very serious injuries and most of the injuries were inflicted by cutting with sword stick. Considering the seriousness of the allegations against the 1st petitioner and the series of

serious criminal antecedents on his part, I am of the view that he is not entitled to be enlarged on bail. As far as the other petitioners are concerned, even though they have criminal antecedents on their part, considering their acts in the present case, I am of the view that, as a last chance, they can be enlarged on bail in this case also.

6. In the result, this Bail Application is allowed in part and petitioners 2 to 5 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) Petitioners 2 to 5 shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.03.2015 for a period of six months.*
>
> *(ii) Petitioners 2 to 5 shall not tamper with the evidence or influence witnesses.*
>
> *(iii) Petitioners 2 to 5 shall make themselves available for interrogation as and when*

required by the Investigating Officer.

(iv) Petitioners 2 to 5 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.

As far as the 1st petitioner is concerned, this bail application is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/03

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PA to Judge