

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. 1158 of 2015 ()

CRIME NO. 271/2015 OF KALADY POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NOS.5 & 6 :

1. ANIL @ POTTY KANNAN, AGED 21 YEARS
S/O.BABU, MULLASSERY HOUSE, KADAPPARA KARA
MALAYATTOOR VILLAGE, ERNAKULAM DISTRICT.
2. JAISON, AGED 21 YEARS
S/O.POULOSE, NALPPADANVEEDU HOUSE, OKKAL KARA
CHELAMATTOM VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-03-2015,
ALONG WITH BA NO. 1172/2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

Mn

B.KEMAL PASHA, J.

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B.A. Nos.1158 & 1172 of 2015

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Dated this the 6th day of March, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. The petitioners in B.A.No.1158 of 2015 are A5 and A6 and the petitioner in B.A.No.1172 of 2015 is A7 in Crime No.271 of 2015 of the Kalady Police Station, registered for the offences punishable under Sections 120B, 109, 324 and 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners and the other accused is that A5 has hired A1, A2, A3, A4, A6, A7 and A8 for settling scores with the defacto complainant and his friend Abhinanth and thereby at 7 p.m., on 06.02.2015, they had hatched a criminal conspiracy to do away with the defacto complainant and Abhinanth. Pursuant to the conspiracy, A1 with a sword, travelled along with A3 by the

motorbike of A3 and A2 with an iron rod, travelled along with A4 by the motorbike of A4, and they approached the defacto complainant and his friend and inflicted very serious injuries on them, thereby attempting to commit their murder. The petitioners have been in custody for the period from 10.02.2015 onwards.

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

5. The contents of the CD, *prima facie* reveal the complicity of the petitioners. It seems that A5 is the kingpin of the incident and he has serious criminal background. He is involved in Crime No.559/11, Crime No.366/14 and Crime No.1571 of the Kalady Police Station. Considering the serious criminal background of A5, I am of the view that he is not entitled to be enlarged on bail. At the same time, no criminal antecedents have been pointed out against A6. As far as A7 is concerned, he is involved in another case also. The only allegation against A6 and A7 is that they have

participated in the conspiracy. Apart from that, there is no allegation that they have made use of any weapons. Considering all the above, I am of the view that A6 and A7 can be enlarged on bail on conditions. A5 is not entitled to be enlarged on bail.

In the result, B.A.No.1158 of 2015 is allowed in part and B.A.No.1172 of 2015 is allowed. The 2nd petitioner in B.A.No.1158 of 2015 and the petitioner in B.A.No.1172 of 2015 shall be enlarged on bail on each of them executing a bond for Rs.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 2nd petitioner in B.A.No.1158 of 2015 and the petitioner in B.A.No.1172 of 2015 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 three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 2nd petitioner in B.A.No.1158 of 2015 and the petitioner in B.A.No.1172 of 2015 shall not tamper with the evidence or influence witnesses.

(iii) The 2nd petitioner in B.A.No.1158 of 2015 and the petitioner in B.A.No.1172 of 2015 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The 2nd petitioner in B.A.No.1158 of 2015 and the petitioner in B.A.No.1172 of 2015 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.

B.A.No.1158 of 2015, as far as the 1st petitioner is concerned, stands dismissed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/6/3/15

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P.A. To Judge