

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1228 of 2015 ()

CRIME NO. 1552/2014 OF PAYYANNUR POLICE STATION, KANNUR

PETITIONERS/ACCUSED NO. 7 AND 8:

- 1. SHIJIL.C., AGED 26 YEARS,
S/O.LAKSHMANAN, THANDARAY HOUSE, KANDANGALI,
NEAR KARALAYI TEMPLE, PAYYANNUR AMSOM
KANNUR DISTRICT.**
- 2. PAVITHRAN P.V., AGED 33 YEARS
S/O.LATE AMBU, PANCHALANPURAYIL HOUSE, KANDANGALI,
NEAR KARALAYI TEMPLE, PAYYANNUR AMSOM,
KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS/COMPLAINANT & STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO. 1552 OF 2014 OF PAYYANNUR POLICE STATION)
KANNUR DISTRICT - 670 001.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.1228 of 2015
.....

Dated this the 9th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.7 and 8 respectively in Crime No.1552/2014 of Payyannur Police Station registered for the offences punishable under Sections 143, 147, 148, 447, 435, 436, 307 and 427 read with Section 149 IPC and Sections 3 and 5 of the Explosive Substances Act.

3. The allegation against the petitioners and other accused is that on 07.12.2014 at 1.20 a.m. they formed themselves into an unlawful assembly armed with deadly weapons and explosives, and committed trespass into the courtyard of the house of the de facto complainant and they poured petrol on a motorbike and scooter parked at the courtyard and set it ablaze. The same became totally destroyed and fire went to the house also, whereby the

house also caught fire. When the de facto complainant came out of the house, they hurled explosive substances onto the building, thereby causing explosion. The de facto complainant has sustained a wrongful loss of ₹1 lakh. The petitioners have been in custody for the period from 12.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioners. It seems that the investigation, as far as the present petitioners are concerned, is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, I am of the view that the petitioners can be enlarged on bail by making a provision for compensating the loss sustained to the de facto complainant.

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) Each of the petitioners shall deposit ₹12,500/- before the court below.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 16.03.2015 for a period of six months.

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

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

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

(vi) The petitioners shall not involve in any offence while on bail.

BA.1228/2015

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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/09/03

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PA to Judge