

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl..No. 1249 of 2015 ()

CRIME NO. 416/2014 OF MALOOR POLICE STATION , KANNUR.

PETITIONER/6TH ACCUSED :

**EDACHERI RAJESH,
S/O. RAVINDRAN,
AGED 25 YEARS,
KALANKANDIYIL HOUSE,
MALOOR P.O.
KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. SUB INSPECTOR OF POLICE,
MALOOR POLICE STATION
KANNUR DISTRICT-670 702.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr

B.KEMAL PASHA, J.

.....
B.A. No.1249 OF 2015
.....

Dated this the 18th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 6th accused in Crime No.416/2014 of the Maloor Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 28.12.2014 at 5 pm, the defacto complainant and his friends were travelling by a car and while so, a procession at the instance of a political party was going on through the road. By alleging that the defacto complainant had driven the car into the procession, he was

wrongfully restrained and terribly attacked by the accused persons. He was dragged out of the car and his mobile phone worth Rs.12,000/- was snatched away. He was beaten up with iron rod and his car was damaged. The petitioner has been in custody for the period from 26.02.2015 onwards.

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

5. It is true that the allegations against the petitioner are very grave and serious. In fact the acts of the accused amount to highway robbery. At the same time, no criminal antecedents have been reported against the petitioner. It seems that the other accused are yet to be arrested. Some of the accused are identified. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, I am of the view 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 ₹1,00,000/- (Rupees one lakh 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 25.03.2015 for a period of three months.

(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. It is further made clear that this order enlarging the

petitioner on bail shall not entitle the other accused, who are yet to be arrested, for any such relief.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge