

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 1264 of 2015 ()

AGAINST THE ORDER IN CMP 842/2015 OF THE JUDICIAL FIRST CLASS
MAGISTRATE'S COURT, MATTANNUR

CRIME NO. 182/2015 OF MATTANNUR POLICE STATION, KANNUR

PETITIONERS/ACCUSED :

1. RAMADASAN, AGED 42 YEARS
S/O.RAMAN NAMBIAR, RAM NIVAS, PERINJERY,
KAYANI.

2. SIJU B.K., AGED 32 YEARS,
S/O.GANGADHARAN, SREELAKAM, KAZHIKKAL,
KAYANI.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/12/3/15

B. KEMAL PASHA, J.

.....
B.A. No.1264 of 2015
.....

Dated this the 12th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.2 and 7 respectively in Crime No.182/2015 of Mattannur Police Station registered for the offences punishable under Sections 143, 147, 148, 452, 294(b), 506(ii) and 427 read with Section 149 IPC and Sections 4 and 5 of the Explosive Substances Act.

3. The allegation against the petitioners is that on 06.02.2015 at 1.30 a.m. they formed themselves into an unlawful assembly armed with deadly weapons like swords and explosive substances and committed trespass into the courtyard of the house of the de facto complainant, abused him and intimidated him. They intimidated him and hurled explosive substances, thereby causing explosion. They smashed and destroyed the glasses of the car, which was

parked at the car porch, and also caused damage to the building, thereby causing a wrongful loss of ₹30,000/- to the de facto complainant. The allegations against A7, who is the 2nd petitioner herein, is that he had made use of a sword for intimidating the de facto complainant and also for causing damage to the house and car. The petitioners have been in custody for the period from 20.02.2015 onwards.

4. Heard 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 has been reported that the 7th accused, who is the 2nd petitioner herein, is involved in four other cases. It seems that the 2nd petitioner is a person, who is in the habit of making use of sword for committing various crimes and is a dare criminal. Considering the seriousness of the allegations against the 2nd petitioner and his criminal antecedents, I am of the view that he is not entitled to be enlarged on bail. At the same time, no

criminal antecedents have been reported against the 1st petitioner, who is the 2nd accused. Having regard to the period undergone by the 1st petitioner in custody, I am satisfied that he 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 in part and the 1st petitioner 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) The 1st petitioner shall deposit ₹2,800/- before the court below.

(ii) The 1st petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 19.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The 1st petitioner shall not tamper with the evidence or influence witnesses.

(iv) The 1st petitioner shall make themselves available for interrogation as and when required by the Investigating Officer.

(v) The 1st 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.

As far as the 2nd petitioner is concerned, this bail application is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/12/03

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PA to Judge