

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1294 of 2015 ()

CRIME NO. 631/2014 OF VALAPPATANAM POLICE STATION, KANNUR DISTRICT

PETITIONER/9TH ACCUSED :

**SUBENTH P.,
S/O.RAVEENDRAN, AGED 22 YEARS
PATTARKANDY HOUSE, CHIRAKKAL AMSOM
ARATTUVAYAL, KANNUR DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.1294 of 2015 B

Dated this the 11th day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 9th accused in Crime No.631/2014 of Valapattanam Police Station, Kannur district registered for the offences punishable under Sections 143, 147, 148, 436, 447, 436, 447, 427, 506(i) read with Section 149 of the I.P. C.

3. The allegation against the petitioner and the other accused is that on 27.5.2014 at 3 a.m., they formed themselves into an unlawful assembly and committed trespass into the office of the rival political party, and after pouring some inflammable liquid into

the office, they set fire to the party office, thereby causing a wrongful loss of ₹1,50,000/-. The petitioner has been in custody for the period from 27.2.2015 onwards.

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

5. It has been pointed out that the petitioner has committed offences involved in Crime No.76/2015 also, after the present case. The offences alleged in the said case are bailable. No other criminal antecedents have been reported against the petitioner. The investigation of this case, as far as the present petitioner is concerned, is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. At the same time, the huge financial loss suffered by the rival political party on account of the mischief by fire committed by the petitioner and the other accused, has also to be considered. Having regard to the period undergone by the petitioner in custody,

I am satisfied that the petitioner can be enlarged on bail, by making a provision for compensating the damage sustained to the rival political party.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five 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 petitioner shall deposit ₹10,000/- (Rs. ten thousand only) before the court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Wednesdays and Saturdays commencing from 18.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iv) The petitioner shall make himself available for

interrogation as and when required by the Investigating Officer.

(v) 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.

Sd/-

B.KEMAL PASHA,
JUDGE

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PA to Judge