

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Bail Appl..No. 1339 of 2015

CRIME NO. 64/2015 OF ELAMAKKARA POLICE STATION , ERNAKULAM

PETITIONER(S)/4TH ACCUSED :

**GANESHAN, AGED 45 YEARS,
S/O.VISWANATHACHETTIAR, NEDIYODATH PARAMBU HOUSE,
BEHIND BRAHMASTHANAM, VADAKKUNNUMPURAM,
EDAPPLY NORTH VILLAGE.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.SEBIN THOMAS**

RESPONDENT(S)/STATE :

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

BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.1339 of 2015
.....

Dated this the 10th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. The petitioner is the 4th accused in Crime No.64/2015 of Elamakkara Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323 and 302 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 21.01.2015, they consumed liquor from a Bar and came by an autorickshaw and a motorbike and formed themselves into an unlawful assembly armed with deadly weapons. They wrongfully restrained deceased Ravikumar and attacked him. It is alleged that the accused slapped and fisted the deceased. A1 repeatedly stabbed the deceased on his chest and abdomen with a knife. When he was attempted to be taken away to the hospital by

his wife by an autorickshaw, the same was obstructed by A1 and he pushed down the wife of the deceased from the autorickshaw. Again, the deceased was taken to the hospital by an autorickshaw, where he succumbed to the injuries. The petitioner has been in custody for the period from 23.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. All the main overt acts are alleged against A1 and the injuries, which have resulted in the body of the deceased, were allegedly caused by A1. The only allegation against the petitioner is that he was also a member of the unlawful assembly, and he slapped the deceased and wrongfully restrained the deceased. The contents of the CD reveal that the investigation of this case, as far as the present petitioner is concerned, is practically over. The continued detention of the petitioner in custody is

not required for the continued investigation of this case. Matters being so, having regard to the period undergone by the petitioner in custody, the present stage of the investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail on conditions.

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 Tuesdays and Fridays commencing from 17.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/10/03

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PA to Judge