

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE B.KEMAL PASHA**

**MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937**

**Bail Appl..No.1400 of 2015**  
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**CRIME NO.644/2014 OF CHALISSERY POLICE STATION,PALAKKAD.**

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**PETITIONER/ACCUSED NO.1:**  
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**SAJITH A.N,S/O.NARAYANAN,AGED 34 YEARS,  
RESIDING AT AYYATHUVALAPPIL HOUSE,  
AKILANAM,CHAZHIYATTIRI P.O.,PERINGODE (VIA),  
PALAKKAD DISTRICT,PIN:679 535.**

**BY ADVS.SRI.A.J.VARGHESE  
SRI.FIROZ K.ROBIN  
SRI.JOSE. V.V.**

**RESPONDNET:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,REP. FOR S.I.OF POLICE,  
CHALISSERY POLICE STATION,PALAKKAD DISTRICT.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**pk**

**B. KEMAL PASHA, J.**

.....  
B.A. No.1400 of 2015  
.....

*Dated this the 30<sup>th</sup> day of March, 2015*

**O R D E R**

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.644/2014 of Chalissery Police Station registered for the offences punishable under Sections 341, 324, 326, 308, 506 (i) and 427 IPC read with Section 34 IPC.

3. The de facto complainant was associated with A1 and A2 in conducting a chitty fund. Subsequently, disputes have arisen between A1 and A2 on the one part and the de facto complainant on the other part. A1 and A2 entertained a belief that they were thoroughly defrauded and cheated by the de facto complainant. Out of that enmity, it is alleged

that, the accused had hatched a criminal conspiracy in front of the Guruvayur Temple on one day and at other places on subsequent days, and they have decided to exterminate the de facto complainant. In order to settle scores with the de facto complainant, A1 and A2 engaged A3 to A6 to do away with the de facto complainant. Consequently, it is alleged that on 25.08.2014 at 8.45 p.m., A3 to A6 came by two motorbikes, and obstructed the de facto complainant who was coming by his car at a place called Pallipadam. He was severely attacked with a sword and iron pipes, thereby he sustained fracture of the bones of both his hands and sustained other various serious injuries. The windscreen of the car was smashed, thereby the de facto complainant sustained a wrongful loss of ₹6,000/-. The petitioner has been in custody for the period from 12.02.2015 onwards.

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

5. The learned Public Prosecutor has pointed out

that the petitioner is an accused in four other crimes for the offence under Section 420 IPC. The learned counsel for the petitioner has pointed out that those crimes were related to the amounts to be paid in the chitty transaction and the petitioner is ready to settle all those cases. On going through the contents of the CD, it seems that the investigation of this case is practically over. The 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 and the present stage of investigation, I am satisfied 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 ₹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 report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 06.04.2015 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/30/03

*// True Copy //*

*PA to Judge*