

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

**PRESENT:**

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

**THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936**

**Bail Appl..No.1434 of 2015**  
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**(CRIME NO.98/2015 OF KOLAVALLUR POLICE STATION,KANNUR).**

**..**

**PETITIONER/ACCUSED NO.18:**  
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**CHALIL PAVITHRAN,S/O.ACHU,AGED 41 YEARS,  
CHALIL HOUSE,THRIPPANGOTTUR AMSOM,  
POYILLOOR DESOM,KANNUR DISTRICT.**

**BY ADV.SRI.CIBI THOMAS**

**RESPONDENTS/COMPLAINANT/STATE:**  
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- 1. SUB INSPECTOR OF POLICE,  
KOLAVALLUR POLICE STATION,  
KANNUR DISTRICT - 673 002.**
- 2. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM - 682 031.**

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**pk**

**B.KEMAL PASHA, J.**

.....  
B.A. No.1434 OF 2015  
.....

Dated this the 19<sup>th</sup> day of March, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.98/2015 of the Kolavallur Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 454, 461, 380 and 427 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 22.01.2015, in between 8 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and trespassed into the house of the defacto complainant, wherein the defacto complainant was

keeping his motorbike bearing Reg.No.KL-58M-8728. The accused committed theft of the same and took it to a distant place and set ablaze the vehicle thereby causing a wrongful loss of Rs.50,000/- to the defacto complainant. The petitioner has been in custody for the period from 25.02.2015 onwards.

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

5. It seems that the investigation of this case, as far as the present petitioner is concerned, is practically over. It seems that some more accused are yet to be identified. 13 accused are so far 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 by making a provision for compensating the loss sustained to the defacto complainant, 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 deposit an amount of ₹3,500/- (Rupees three thousand five hundred only) before the court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 26.03.2015 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**

ul/-

[True copy]

P.S. to Judge