

**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.1444 of 2015**  
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**(CRIME NO.248/2015 OF CHATHANNOOR POLICE STATION,KOLLAM).**

**..**

**PETITIONERS/ACCUSED NO.7 AND 8:**  
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- 1. SUJITH @ UNNIKUTTAN,AGED 21 YEARS,  
S/O.SUDHAKARAN,SURYA BHAVAN,SUNDARAN MUKKU,  
VARINJAMCHERRY,MEENADU VILLAGE,FROM THANAL VEEDU,  
VARINJAMCHERRY,MEENADU VILLAGE,KOLLAM DISTRICT.**
- 2. RAHUL,AGED 22 YEARS,S/O.RAJU,  
THEKKUVILA THEKKATHIL VEEDU,MELEMUKKU,  
IDANADU,VARINJAM CHERI,IDANADU,  
MEENAD VILLAGE,KOLLAM DISTRICT.**

**BY ADVS.SRI.V.V.RAJA  
SRI.M.T.SURESHKUMAR**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,ERNAKULAM-682 031.**

**BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED.**

**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.1444 OF 2015  
.....

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

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A7 and A8 in Crime No.248/2015 of the Chathannoor Police Station, Kollam, registered for the offences punishable under Sections 143, 147, 148, 341, 307 and 302 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 12.02.2015 at 00.30 am, they, formed themselves into an unlawful assembly armed with deadly weapons and committed rioting and rioting armed with deadly weapons. It is alleged that when they approached the deceased Ani, who was standing at a temple compound

along with the defacto complainant Rajesh and another person named Sanoj, they took to heels and attempted to escape from the clutches of the accused. They were chased by the accused by two autorickshaws and finally they could get them at a place called *Varinjam vayalikkada*, where they were brutally attacked. Serious injuries were inflicted all over the body of the deceased. It is further alleged that after inflicting fatal injuries on the deceased, the first accused called an ambulance in which the deceased was taken to the hospital by A8. On his way to the Medical College Hospital, Thiruvananthapuram, he died on 12.02.2015 itself. The petitioners were arrested on 23.02.2015 and thereafter they have been in custody.

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

5. Even though the learned counsel for the petitioner has pointed out that no specific overt acts are alleged against the petitioners, it seems that specific overt

acts are alleged against A8. The learned Senior Public Prosecutor has pointed out that there is specific allegation that the deceased was severely beaten up on his knees by A8 with an iron rod repeatedly. It is true that A8 had also accompanied the deceased to the hospital. At the same time the learned Senior Public Prosecutor has pointed that it was when they realised that the deceased would die, A8 was deliberately sent along with the deceased to the hospital. Over and above the present case, A8 has criminal antecedents on his part. Considering all these, I am of the view that A8, who is the second petitioner herein, is not entitled to be enlarged on bail.

6. At the same time, no specific overt acts are alleged against A7. No criminal antecedents have been reported against A7 who is the first petitioner herein. Having regard to the period undergone by the first petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that

the first petitioner can be enlarged on bail.

7. In the result, this Bail Application is partly allowed and the first 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 first petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays 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.

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

(iii) The first petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The first 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