

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.1452 of 2015

(CRIME NO.215/2015 OF S.BATTERY POLICE STATION,WAYANAD).

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PETITIONERS/ACUSED 1 TO 6:

1. **K.G.REJI,AGED 45 YEARS,S/O.GOPALAN,
KUPPAKKATTIL HOUSE,VALLUVADI,
KIDANGANADU,WAYANAD.**
2. **ANIL,AGED 38 YEARS,S/O.KUNHIKANNAN,
PAMBALATH HOUSE,ODAPALLAM,
VALLUVADI KIDANGANADU AMSOM,WAYANAD.**
3. **MANOJ,AGED 41 YEARS,S/O.GOPI,MANJANEL HOUSE,
KARIPPUR,KIDANGANADU AMSOM,WAYANAD.**
4. **DHINU,AGED 33 YEARS,S/O.GANGADHARAN,
PARAPPURATH HOUSE,KARIPPUR,
KIDANGANADU AMSOM,WAYANAD.**
5. **VINOD,AGED 37 YEARS,S/O.THANKAPPAN,
KARIPPUR,KIDANAGANADU AMSOM,WAYANAD.**
6. **SHAJI,AGED 43 YEARS,S/O.KUTTAPPAN,
PUTHENKUDI HOUSE,VADAKKANAD,
KIDANANGANADU AMSOM,WAYANAD.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT/COMPLAINANT:

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

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:**

B. KEMAL PASHA, J.

.....
B.A. No.1452 2015
.....

Dated this the 19th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 6 in Crime No.215/2015 of Sulthan Bathery Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 307 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 05.03.2015 at 4 p.m., they, along with the other accused, formed themselves into an unlawful assembly, armed with deadly weapons like sticks, attacked the de facto complainant and his friends and attempted to cause their death. The petitioners have been in custody for the period from 07.03.2015 onwards.

4. Heard learned counsel for the petitioners and the

learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioners. It is true that the de facto complainant has sustained a lacerated wound at parietal region of scalp 7 x 1 cm. On going through the facts and circumstances of the case, it has come out that there was no previous enmity between the parties, whereas the cause of the incident had arisen momentarily. Considering the facts and circumstances of the case and having regard to the period undergone by the petitioners in custody, I am satisfied that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for ₹50,000/-(Rupees fifty 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 petitioners 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 petitioners shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioners 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/19/03

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*PA to Judge*