

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

Bail Appl..No. 1461 of 2015 ()

**CRIME NO. 38/2015 OF VALIAMALA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED NO.1, 5 & 7:

- 1. VISHNU, S/O.ANIL KUMAR, AGED 21 YEARS,
VIJAYAVILASAM VEEDU, ARUVIKKUZHI,
KARIPOOR MURI, KARIPOOR VILLAGE.**
- 2. ANANTHU, S/O.GOPALAKRISHNAN, AGED 19 YEARS,
ATHIRA BHAVAN, NEDUMANOOR,
KARIPOOR MURI KARIPOOR VILLAGE.**
- 3. ARUN, S/O.VIJAYAN
AKG BHAVAN, KALUVILA VEEDU, UZHAPPAKONAM,
KARIPOOR MURI, MARIPPOOR VILLAGE.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT/STATE :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM. 682 031
(CRIME NO.38/2015 OF VALIAMALA POLICE STATION
THIRUVANANTHAPURAM DISTRICT)**

BY PUBLIC PROSECUTOR SRI. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1461 of 2015
.....

Dated this the 20th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1, 5 and 7 in Crime No.38/2015 of the Valiyamala Police Station, Thiruvananthapuram, registered for the offences punishable under Sections 143, 147, 148, 294(b), 341, 451, 326, 395 and 307 read with Section 149 IPC.

3. The allegation against the petitioners and other accused is that, on 23.01.2015 at 10.30 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like iron pipe, and wrongfully restrained Manu Sankar, who is cousin of the defacto complainant on the road near the ISRO Check Post at Uzhappakkonam. It is

alleged that A1 beat repeatedly on the head and face of the cousin of the defacto complainant, named Manu Sankar with iron pipe. He beat the brother of the said Manu Sankar also and caused injuries. A3 to A7 slapped, beat and stamped the defacto complainant and his cousins. It is also alleged that A1 snatched away the gold chain weighing 3 sovereigns from the neck of the brother of Manu Sankar and a purse containing ₹7,000/-, thereby committing dacoity. The provocation for the incident is that A3 had made some sexual overtures towards the sister of the *defacto complainant* and the same was questioned by Manu Sankar, who is the cousin of the defacto complainant. The petitioners have been in custody for the period from 25.02.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. No criminal antecedents have

been reported against the petitioners. The investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view 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 their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 Fridays and Tuesdays commencing from 27.03.2015 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

ul/-

[True copy]

P.S. to Judge