

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 1478 of 2015 ()

**CRIME NO. 105/2015 OF PANGODE POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED(RANK NOT KNOWN) :

- 1. AKHIL.V., AGED 18 YEARS,
S/O. VIJAYAKUMAR, MANGALATH VEEDU, ERULLOOR,
MITHIRMALA, VAMANAPURAM, THIRUVANANTHAPURAM,
(STUDENT GOVT. POLYTECHNIC COLLEGE, ATTINGAL).**
- 2. AKHIL S.NAIR, AGED 18 YEARS,
S/O. SATHEESAN NAIR, KUNNUPURATHU VEEDU,
MITHIRMALA, MITHIRMALA P.O.,
THIRUVANANTHAPURAM (STUDENT GOVT ITI, ATTINGAL).**

**BY ADVS.SRI.S.S.SREEJITH
SMT.K.MALINI**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
PANGODE POLICE STATION-695 001.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 1478 of 2015

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Dated this the 25th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A6 and A8 in Crime No.105/2015 of the Pangode Police Station, Thiruvananthapuram District, registered for the offences punishable under Sections 143, 147, 148, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioners and the other accused is that on 5.2.2015 at 3.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron pipes and wooden sticks, attacked the de facto complainant and three other students of the Boys HSS, Mathirmala. It is alleged that the 1st accused beat the de facto complainant with an iron pipe and thereafter, all the other accused beat the de facto complainant, two other students namely, Jithu and Akshay and another student named Sharath, by using wooden sticks. It is alleged that they

chased Sharath into the school ground where he was severely beaten up.

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

5. It seems that no specific overt acts are alleged against any of the petitioners. A1 to A4 in the case have been arrested, detained and subsequently enlarged on bail. When no specific overt acts are alleged against the petitioners and especially when they have no criminal antecedents on their part, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer

conducting arrest, 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 Wednesdays and Saturdays, commencing from 01.04.2015 for a period of three months.

(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

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P.Ato Judge