

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1535 of 2015

CRIME NO. 2294/2014 OF CENTRAL POLICE STATION , ERNAKULAM DISTRICT

APPLICANTS(S)/ACCUSED NO.1 :

**BALU PRADEEP, AGED 19 YEARS,
S/O.PRADEEP, VAZHAKKAPPILLY HOUSE, AIMS P.O.,
NORTHERN SIDE OF AIMS HOSPITAL,
EDAPPILLY NORTH VILLAGE, KANAYANNUR TALUK.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADV. SRI.VIPIN NARAYAN**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.1535 OF 2015

.....
Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.2294/2014 of the Central Police Station, Ernakulam registered for the offences punishable under Sections 143, 144, 147, 148, 323, 324 and 307 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 09.10.2014 at 10.15 a.m. they, who are the so called students of Maharajas College, Ernakulam, formed themselves into an unlawful assembly, armed with deadly weapons like sword sticks, iron rods, wooden reapers, etc., committed rioting and rioting armed with

deadly weapons. It is alleged that A1 inflicted cuts on the head of the defacto complainant and his friend Habeeb with a sword stick, thereby causing very serious injuries. It is alleged that A2 beat on the back of the defacto complainant with a wooden reaper and A3 beat on the left elbow of the de facto complainant with an iron rod. It is alleged that the other accused have kicked and stamped the defacto complainant and Habeeb. The petitioner was arrested on 31.01.2015 and thereafter, he has been in custody.

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

5. The learned Public Prosecutor has pointed out that the petitioner is also involved in three other similar cases. It seems that the petitioner and the other accused are in the habit of making use of sword sticks to cause injuries to persons belonging to rival factions. Having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner can be enlarged on bail, on strict

conditions.

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 report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 30.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter Ernakulam District, for a period of six months from today.

(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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge