

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. 1559 of 2015 ()

**CRIME NO. 271/2015 OF KALADY POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER/ACCUSED NO.5 :

**ANIL @ POTTY KANNAN, AGED 21 YEARS,
S/O. BABU, MULLASSERY HOUSE, KADAPPARA KARA,
MALAYATTOOR VILLAGE, ERNAKULAM DISTRICT**

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT/COMPLAINANT :

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

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:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1559 of 2015
.....

Dated this the 25th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioner is the 5th accused in Crime No.271 of 2015 of the Kalady Police Station, registered for the offences punishable under Sections 120B, 109, 324 and 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that the petitioner has hired A1, A2, A3, A4, A6, A7 and A8 for settling scores with the defacto complainant and his friend Abhinanth and thereby at 7 p.m., on 06.02.2015, they had hatched a criminal conspiracy to do away with the defacto complainant and Abhinanth. Pursuant

to the conspiracy, A1 with a sword, travelled along with A3 by the motorbike of A3 and A2 with an iron rod, travelled along with A4 by the motorbike of A4, and they approached the defacto complainant and his friend and inflicted very serious injuries on them, thereby attempting to commit their murder. The petitioner has been in custody for the period from 10.02.2015 onwards.

4. Heard both the learned counsel for the petitioner and the learned Public Prosecutor.

5. The contents of the CD, *prima facie* reveal the complicity of the petitioner. It is true that the petitioner is an accused in three more cases. Even though the petitioner seems to be the kingpin of the incident, I am of the view that, when the other accused are enlarged on bail, the petitioner can also be enlarged on bail, on 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 Wednesdays and Saturdays commencing from 01.04.2015 for a period of six months.

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

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

(iv) 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.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge