

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl..No. 1583 of 2015 ()

(CRIME NO. 1048/2014 OF KASARAGOD POLICE STATION , KASARGOD)

PETITIONER(S)/PETITIONERS/ACCUSED NOS. 14 AND 15:

- 1. ABHISHEK. K @ ABHI, AGED 21 YEARS
S/O.SHIVANANDA, GOPALAKRISHNA TEMPLE ROAD, RD NAGAR
KUDLU VILLAGE, KASARAGOD DIST.**
- 2. PRAJITH. C @ AMA, AGED 18 YEARS,
S/O.PAVITHRAN. C, SREEKRISHNA NILAYAM, UMA COMPOUND
NEAR SURABHI HOUSING COLONY, NULLIPPADI,
KASABA VILLAGE, KASARAGOD DIST.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ENRAKULAM-682031.**
- 2. THE STATION HOUSE OFFICER
(CRIME NO 1048 OF 2014 OF
KASARAGOD POLICE STATION)KASARAGOD 670001**

**R1& R2 BY ADDITIONAL DIRECTOR GENERAL OF PROSECUTION
SRI.ABDUL RASHEED**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-04-2015, ALONG WITH BA. 1800/2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

vmr

B. KEMAL PASHA, J.

.....
B.A. No.1583 of 2015
.....

Dated this the 6th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.15 and 16 in Crime No.1048/2014 of Kasaragod Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 449, 120B, 153A and 302 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and other accused is that on 22.12.2014 at 9.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and committed house trespass into the shop of the de facto complainant and attacked the son of the de facto complainant, who was in the shop, and stabbed him to death. The petitioners have been in custody for the period from 06.01.2015 onwards.

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

5. Even though the petitioners have been in custody for the period from 06.01.2015 onwards, the investigation is not over and the final report has not been filed so far. Matters being so, this is a case wherein the petitioners are entitled to compulsive bail under Section 167(2) Cr.P.C.

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 ₹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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 13.04.2015 for a period of six months.*

*(ii) Except for observing condition No.(i) above, the petitioners shall not enter into Kasaragod district for a period of six months from today.*

*(iii) The petitioners shall not tamper with the evidence or influence witnesses.*

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

*(v) 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/06/04

*// True Copy //*

*PA to Judge*