

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 1625 of 2015

CRIME NO. 217/2015 OF COYALMANNAM POLICE STATION , PALAKKAD DISTRICT

APPLICANTS(S)/ACCUSED NOS.1,2 & 9 :

- 1. KUMARESAN PILLAI, AGED 68 YEARS,
S/O.ARUMUGHAN PILLAI, KONAKALATHU KALAM,
CHERUTHAPPALLOOR, THENKURISSI, PALAKKAD.**
- 2. SREEKRISHNAN PILLAI, AGED 52 YEARS,
S/O.ARUMUGHAN PILLAI, KONAKALATHU KALAM,
CHERUTHAPPALLOOR, THENKURISSI, PALAKKAD.**
- 3. SURESHKUMAR, AGED 32 YEARS,
S/O.SUBRAMANIAN PILLAI, KONAKALATHU KALAM,
CHERUTHAPPALLOOR, THENKURISSI, PALAKKAD.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
SRI.V.C.SARATH**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.1625 of 2015

Dated this the 26th day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1, 2 and 9 respectively in Crime No.217/2015 of Coyalmannam Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 307 read with Section 149 I.P. C. and sections 3(1)(ii), 3(1)(x) and 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The learned Public Prosecutor has pointed out that the third petitioner has not been placed under arrest so far. Matters being so, this bail application, as far as the third petitioner is concerned, is dismissed.

3. The allegation against petitioners 1 and 2 and the other

accused is that on 2.3.2015 at 11 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like wooden sticks, iron rods, sword sticks etc, committed rioting and rioting armed with deadly weapons by attacking the *defacto complainant* and 10 more persons, who were present along with him. It is alleged that the *defacto complainant* belongs to Schedule caste and the petitioners are not members of any scheduled caste or schedule tribe community. It is alleged that the *defacto complainant* and others were abused and the caste name of the *defacto complainant* was called in public view. He was attacked by alleging that he had obstructed a fencing and he was obstructed from making use of a pond. Petitioners 1 and 2 have been in custody for the period from 4.3.2015 onwards.

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

5. It seems that the investigation of the case, as far as

petitioners 1 and 2 are concerned, is practically over. Continued detention of these petitioners in custody is not required for the continued investigation of the case. Considering the facts and circumstances of the case and having regard to the period undergone by these petitioners in custody, I am satisfied that petitioners 1 and 2 can be enlarged on bail.

6. In the result, this Bail Application is allowed in part and petitioners 1 and 2 shall be enlarged on bail on each of them executing a bond for ₹25,000/-(Rupees twenty five thousand 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 said petitioners shall report before the Investigating Officer in between 9 am and 11 am on all Thursdays and Mondays commencing from 2.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The said petitioners shall not tamper with the

evidence or influence witnesses.

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

(iv) The said 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.

As far as the third petitioner is concerned, this bail application stands dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge