

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. 1651 of 2015

CRIME NO. 282/2014 OF PAYYAVUR POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

- 1. PREMARAJAN, AGED 38 YEARS,
S/O.RAGHAVAN NAIR, VLIYAVEETIL HOUSE, KUNATHUR PADI,
PAYAVUR AMSOM, KANNUR DISTRICT.**
- 2. RAGHAVAN NAIR, AGED 70 YEARS,
VALIYAVEETIL HOUSE, KUNATHUR PADI, PAYAVUR AMSOM,
KANNUR DISTRICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
PAYYAVUR POLICE STATION, PAYYAVUR, KANNUR - 670 307.**

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:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.1651 of 2015
.....

Dated this the 26th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused in Crime No.282/2014 of the Payyavur Police Station, Kannur District registered for the offences punishable under Sections 341, 323 and 294 (b) and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioners is that, on 29.05.2014, they went very near the house of the defacto complainant and abused and threatened him and intimidated the defacto complainant who is a member of a scheduled caste. Petitioners are not members of any

scheduled caste or scheduled tribe. It is alleged that the 2nd accused wrongfully restrained the defacto complainant and slapped him and the first accused took a granite stone and hit on his head. It is also alleged that they have called the caste name of the defacto complainant in public view. The petitioners were arrested on 18.03.2015 and thereafter they have been in custody.

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

5. The contents of the CD reveal that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioners. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 Thursdays and Mondays commencing from 02.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge