

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. 1702 of 2015 ()

CRIME NO. 315/2015 OF ANGAMALI POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/2ND AND 4TH ACCUSED:

- 1. RONY ANTONY, AGED 28 YEARS, S/O.LATE ANTONY,
PAYYAPPILLY HOUSE, THURAVOOR P.O.,
THURAVOOR PANCHAYATH, ALUVA TALUK, PIN-683 586.**
- 2. SURESH, AGED 33 YEARS,
S/O.LATE RAJENDRAN, KINGINIMATTAM HOUSE, PAZHOPONGU,
KIDANGOOR P.O, THURAVOOR VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.MARTIN JOSE

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.1702 of 2015

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Dated this the 6th day of April, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A2 and A4 in Crime No.315 of 2015 of the Angamaly Police Station, registered for the offences punishable under Sections 143, 147, 148, 323, 324, 326 and 341 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 03.02.2015 at 11.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant, and he was severely beaten up. He sustained a very serious injury on his scalp and also the fracture of the bone of his right index finger.

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

5. The learned Public Prosecutor has pointed out that the 2nd petitioner, who was the 4th accused, is a habitual offender and a hardened criminal involved in a series of serious criminal cases. It has been pointed out that he is the accused in cases relating to the offences under Sections 302, 397, 365 and 394 of the Indian Penal Code, Arms Act, Explosives Substances Act etc. The learned counsel for the petitioners has pointed out that those crimes are relating to the period prior to 2008 and presently the 2nd petitioner is leading a peaceful life. According to the petitioner, his house was ransacked by the Police. The front door of the house was smashed, and photographs have also been produced. At the same time, considering the grave antecedents on the part of the 2nd petitioner, I am of the view that he is not entitled to the discretionary relief of anticipatory bail. Considering the trivial nature of the allegations against the 1st petitioner, who is the 2nd accused, I am of the view that anticipatory bail can be granted to the 1st petitioner.

In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the 1st petitioner, is directed to enlarge the 1st petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The 1st petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 13.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 1st petitioner shall not tamper with the evidence or influence witnesses.

(iii) The 1st petitioner shall make himself available for interrogation as and when required

by the investigating officer.

(iv) The 1st 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.

At the same time, this bail application, as far as the 2nd petitioner is concerned, is dismissed. If so advised, the 2nd petitioner may surrender before the court below within ten days from today, where the 2nd petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/6/4/15

// True Copy //

P.A. To Judge

B.A.No.1702 of 2015

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