

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl.No. 1740 of 2015

CRIME NO. 182/2015 OF MATTANNUR POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

**SIJU B.K., AGED 32 YEARS,
S/O. GANGADHARAN, SREELAKAM, KAZHIKKAL,
KAYANI.**

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.1740 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 7th accused in Crime No.182/2015 of Mattannur Police Station registered for the offences punishable under Sections 143, 147, 148, 452, 294 (b), 506(ii) and 427 read with Section 149 IPC and Sections 4 and 5 of the Explosive Substances Act.

3. The allegation against the petitioner and the other accused is that on 06.02.2015 at 1.30 a.m. they formed themselves into an unlawful assembly armed with deadly weapons like swords and explosive substances and

committed trespass into the courtyard of the house of the de facto complainant, abused him and intimidated him. They intimidated him and hurled explosive substances, thereby causing explosion. They smashed and destroyed the glasses of the car, which was parked at the car porch, and also caused damage to the building, thereby causing a wrongful loss of ₹30,000/- to the de facto complainant. The allegation against the petitioner is that he had made use of a sword for intimidating the de facto complainant and also for causing damage to the house and car. The petitioner has been in custody for the period from 20.02.2015 onwards.

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

5. It is true that the petitioner is involved in 4 other cases also. At the same time, it seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period

undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹50,000/-(Rupees fifty 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 petitioner shall deposit ₹2,800/- before the court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 06.04.2015 for a period of six months.

(iii) Except for observing condition No.(ii) above, the petitioner shall not enter into Kannur district for a period of six months from today.

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

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

(vi) 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)

aks/30/03

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PA to Judge