

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1757 of 2015 ()

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CRIME NO. 1523/2014 OF NEDUMANGAD POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

.....

PETITIONER/ACCUSED NO.4:-

**UNNI @ PAILI, S/O.LEVI, AGED 34 YEARS,
CHIRATHALAKKAL VEEDU, PANACHAMOODU,
KARIPOOR VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 541.**

BY ADV. SRI.R.B.RAJESH.

RESPONDENTS/STATE:-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**
- 2. THE SUB INSPECTOR OF POLICE,
NEDUMANGAD POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695 541.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, ALONG WITH BA NO.1760 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. Nos.1757 & 1760 of 2015
.....

Dated this the 1st day of April, 2015

ORDER

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Petitions filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.4 and 3 respectively in Crime No.1523/2014 of Nedumangad Police Station registered for the offences punishable under Sections 323, 324, 452, 427 and 308 read with Section 34 IPC.

3. The allegation against the petitioners and other accused is that on 18.11.2014 at 11.30 p.m., they committed house trespass into the house of the de facto complainant and attacked the de facto complainant. It is alleged that the 1st accused inflicted cut injuries on the de facto complainant with a chopper, and the 2nd accused repeatedly beat him all over his body with an iron rod. It is alleged that all the accused have committed mischief at the house, thereby destroying the household articles, whereby the de facto

complainant has sustained a wrongful loss to the tune of ₹ 30,000/-. The petitioner in B.A.1757/2015 has been in custody for the period from 09.03.2015 onwards and the petitioner in B.A.1760/2015 has been in custody for the period from 06.03.2015 onwards.

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

5. It seems that the investigation is practically over. No criminal antecedents have been reported against the petitioners. All the main overt acts are alleged against A1 and A2 in the case. The 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 and the present stage of investigation, I am satisfied that the petitioners can be enlarged on bail by making a provision for compensating the loss sustained to the de facto complainant.

6. In the result, these Bail Applications are allowed and the petitioners 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) Each of the petitioners shall deposit ₹5,000/- before the court below.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 08.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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/01/04

//True copy//

PA to Judge.