

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. 1822 of 2015 ()

CRIME NO. 416/2014 OF MALOOR POLICE STATION ,KANNUR DISTRICT

PETITIONERS/ACCUSED NOS. 3,4 AND 8:

1. ANIYERI PURUSHOTHAMAN,
S/O.CHANDU, AGED 47 YEARS,
MEGHA HOUSE, MALOOR P.O.,
KANNUR DISTRICT.
2. ANIYERI BABU, S/O. VASU, AGED 29 YEARS,
KAROTHNHALIL, KANHILERI P.O.,
KANNUR DISTRICT.
3. SINEESH A., S/O. VALSAN, AGED 30 YEARS,
KELOTH HOUSE, KANHILERI P.O.,
KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS/COMPLAINANT/STATE:

1. SUB INSPECTOR OF POLICE,
MALOOR POLICE STATION.
2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**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.1822 of 2015
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Dated this the 6th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.3, 4 and 8 respectively in Crime No.416/2014 of Maloor Police Station, Kannur district, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 28.12.2014 at 5 p.m., the de facto complainant and his friends were travelling by a car and while so, a procession at the instance of a political party was going on through the road. By alleging that the de facto complainant had driven the car into the procession, he was wrongfully restrained and terribly attacked by the accused persons. He was dragged out of the car and his mobile phone worth ₹12,000/- was snatched away. He was beaten

up with iron rod and his car was damaged. The petitioners have been in custody for the period from 15.03.2015 onwards.

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

5. It is true that the allegations against the petitioners are very grave and serious. In fact, the acts of the accused amount to highway robbery. At the same time, no criminal antecedents have been reported against the petitioners. 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 the investigation, I am 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 each of them executing a bond for ₹1,00,000/- (Rupees one lakh 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 13.04.2015 for a period of three months.

(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.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/04

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PA to Judge