

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 1859 of 2015

CRIME NO. 128/2015 OF NADAPURAM POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

**RAGESH, AGED 36 YEARS
S/O.CHATHU, ONDATH MALAYIL HOUSE, KALLACHI
KUMMANKODE AMSOM, NADAPURAM, KOZHIKODE.**

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

RESPONDENTS/COMPLAINANT/STATE:

- 1. THE STATION HOUSE OFFICER,
NADAPURAM POLICE STATION-673251.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.1859 OF 2015
.....

Dated this the 7th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 9th accused in Crime No.128/2015 of the Nadapuram Police Station, Kozhikode registered for the offences punishable under Sections 143, 147, 148, 452, 436, 395, 506(ii), 153(A) and 427 read with Section 149 of the Indian Penal Code and Sections 3 and 5 of the Explosive Substances Act.

3. The allegation against the petitioner and the other accused is that on 23.01.2015 at 1 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and explosive substances and trespassed into the

house of the defacto complainant, intimidated them, and threatened them with death. They committed dacoity of 50 sovereigns of gold ornaments and hurled explosive substances and bombs into the house thereby destroyed all the furniture, house hold utensils etc., along with two vehicles, thereby causing a wrongful loss of Rs.40 lakhs to the defacto complainant.

4. Heard learned counsel for the petitioner and the learned Senior Public Prosecutor. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. It seems that, altogether, 107 accused are there in this crime. Having regard to the period undergone by the petitioner in custody, I am of the view that, by making a provision for compensating part of the loss sustained to the defacto complainant in the incident, 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 ₹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 petitioner shall deposit an amount of ₹37,000/- (Rupees thirty seven thousand only) before the court below, within a period of one month from today and the said amount shall be kept in deposit till the disposal of the case, for compensating the loss, if any, sustained to the defacto complainant.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 14.04.2015 for a period of six months.

(iii) Except for observing condition No.(ii) above, the petitioner shall not enter the local limits of the Nadapuram Police Station, Kozhikode 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 himself 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

ul/-

[True copy]

P.S. to Judge