

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Bail Appl..No. 2005 of 2015

**CRIME NO. 73/2015 OF KAREELAKULANGARA POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONER(S)/2ND ACCUSED : (IN CUSTODY)

**AJMAL, AGED 24 YEARS,
S/O.KUNJUMON, CHAKKANTAYYATHU (H),
ERUVA MURI, PATHIYOOR VILLAGE,
ALAPPUZHA DISTRICT.**

BY ADV. SMT.G.VIDYA

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.2005 OF 2015
.....

Dated this the 10th day of April, 2015

ORDER

Petition filed under Section 439 Cr.PC.

2. Petitioner is the 2nd accused in Crime No.73/2015 of the Kareelakulangara Police Station, Alappuzha registered for the offences punishable under Sections 143, 147, 148, 324, 427 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 14.01.2015 at 10.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like sword, sticks etc. and attacked the defacto

complainant and inflicted cuts on him with sword. It is alleged that the petitioner beat him all over his body with a stick. The 3rd accused also attacked him with sticks and he allegedly damaged the glasses of the car by which the defacto complainant was travelling. When one Thampuran intervened, he was also beaten up. The petitioner has been in custody for the period from 08.03.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. It is true that the allegations levelled against the petitioner are very grave and serious. It seems that the defacto complainant has sustained very serious injuries. At the same time, no criminal antecedents have been reported against the petitioner. I do not think that continued detention of the petitioner in custody is required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the

present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

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 report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 17.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(v) 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