

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 2051 of 2015

CRIME NO. 432/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.4 :

**SAJITH.V., AGED 32 YEARS,
S/O.LAKSHMI V., ANNUR, PAYYANNUR,
KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.432 OF 2015 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT - 670 001.**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. RAMAKRISHNAN, J.

B.A. No.2051 of 2015

Dated this the 28th day of April, 2015.

ORDER

This is an application for regular bail filed by the fourth accused in Crime No.432 of 2015 of Payyannur Police Station under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 22.3.2015 at about 9 p.m, the accused persons formed themselves into unlawful assembly with deadly weapons with a common object of committing culpable homicide, not amounting to murder the de facto complainant and inflicted injuries on the de facto complainant and his friends using iron rods and thereby all of them have committed the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code.

3. Heard the counsel for the petitioner and the Public Prosecutor.

4. The counsel for the petitioner submitted that the

petitioner has not committed any offence and he is innocent of the same and in fact this case was registered as a counter blast to Crime No.431 of 2015 which was registered on the basis of the statement given by one of the accused person against the de facto complainant and others, alleging commission of offences under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code. He had filed anticipatory bail application along with other accused persons as B.A.No.1826 of 2015 and while that petition was pending, he was arrested on 2.4.2015 and he is in jail from that day onwards. His custody is not required in any more in connection with the investigation.

5. On the other hand, the learned Public Prosecutor submitted that other accused persons were not arrested and investigation is not over.

6. Perused the case diary also. It is seen from the case diary file that the above crime was registered against the present petitioner and four others on the basis of the

statement given by the de facto complainant alleging offences under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code. The incident occurred on 22.3.2015. It is also admitted that another crime was registered as Crime No.431 of 2015 of the same police station against the de facto complainant and others alleging similar offences on the basis of the statement given by one of the accused in this case. It is also in a way admitted that all the accused persons in this case including the petitioner filed application for anticipatory bail as B.A.No.1826 of 2015 on 26.3.2015 and while that petition was pending, the present petitioner was arrested on 2.4.2015. It is true that the investigation is not over. I am not at this stage going to the question as to whether the offence under Section 308 IPC is attracted or not. Considering the nature of offence alleged, this Court feels that further custody of the petitioner is not required any more in connection with this case. Further no grievous injuries have been sustained by the injured also in

this case.

Considering the circumstances, this Court feels that bail can be granted to the petitioner with some stringent conditions. So, the application is allowed with the following conditions:

i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum to the satisfaction of the Judicial First Class Magistrate Court, Payyannoor.

ii. The petitioner shall appear before the investigating officer on the last Saturday of every months between 9 a.m. and 10 a.m. till the final report is filed.

iii. The petitioner shall appear before the investigating officer for the purpose of interrogation as and when required in connection with the above crime in writing to do so till the final report is filed.

iv. The petitioner shall not intimidate or influence the witnesses.

v. The petitioner shall surrender his passports, if any with him before the Judicial First Class Magistrate Court, Payyannoor

within one week from the date of his release and if he is not having any passport, submit an affidavit to that effect within that time.

vi. The petitioner shall not leave Kannur District without getting prior permission from the Special Court Judicial First Class Magistrate Court, Payyannoor or from the court to which the case will be committed for trial till the case is disposed of.

With the above conditions, this application is allowed.

Sd/-
K. RAMAKRISHNAN
JUDGE

Scl.