

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. 2345 of 2015 ()

CRIME NO. 180/2015 OF CHERUTHURUTHY POLICE STATION, THRISSUR DISTRICT.

PETITIONER/3RD ACCUSED:

**VISWAS, AGED 23 YEARS,
S/O.VIJAYAN, PERUMBAL HOUSE,
DESAMANGALAM, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT.

RESPONDENT:

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

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:**

rs.

K. RAMAKRISHNAN, J.

.....
B.ANo.2345 of 2015
.....

Dated this the 28th day of April, 2015.

O R D E R

The third accused in Crime No.180/2015 of Cheruthuruthy police station has filed this application for regular bail under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 30.3.2015 at about 7.30 p.m, all the accused persons including the petitioner formed themselves into an unlawful assembly with deadly weapons like soda bottles and wrongfully restrained the defacto complainant and first and second accused attacked him with soda bottles on his head knowing that it is likely to cause his death and other accused persons have beaten him with hands and thereby all of them have committed the offences punishable under sections 143, 147, 148, 323, 324 and 308 read with section 149 of the Indian Penal Code.

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

4. The counsel for the petitioner submitted that the second accused was granted bail and the allegation against the present petitioner was that he had beaten with hands. A person, who

had used weapon, has been granted bail and the petitioner is in jail from 1.4.2015 onwards. His custody is not required.

5. The application was opposed by the Public Prosecutor on the ground that the first accused and other accused persons are yet to be arrested. Perused the case diary file.

6. It is seen from the case diary file that the above crime was registered against three named persons and other identifiable persons as Crime No.180/2015 of Cheruthuruthy police station on the basis of the statement given by the defacto complainant/ the injured alleging commission of the offences under sections 143, 147, 148, 323, 324 and 308 read with section 149 of the Indian Penal Code. Accused 2 and 3 were arrested and second accused was granted bail by the magistrate himself. According to the Public Prosecutor, he was a physic person and that was the reason why he was granted bail. The petitioner's application for bail was dismissed by the Magistrate as well as the Additional Sessions Judge. The overt act alleged against the petitioner was that he has beaten the injured with hands along with other accused persons. He is in jail from 1.4.2015 onwards. There is no criminal antecedents

brought out against the present petitioner. So, considering the circumstances, this Court feels that custody of the petitioner is not required any more in connection with the investigation and 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 each to the satisfaction of the Judicial First Magistrate Court-I, Wadakanchery

ii. The petitioner shall appear before the investigating officer last Saturday of every month 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 in connection with the above crime as and when required 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 not leave State of Kerala without

getting prior permission either from the Judicial First Magistrate Court-I, Wadakanchery or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-
K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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