

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 2682 of 2015 ()

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CRIME NO. 195/2015 OF ELATHUR POLICE STATION,
KOZHIKODE DISTRICT
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PETITIONER/ACCUSED :

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ANIL K.P., AGED 50 YEARS,
S/O.SREEDHARAN, KASTURIKANDY HOUSE,
EDAKKAT P.O., KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANTS :

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- 1. SUB INSPECTOR OF POLICE,
ELATHUR POLICE STATION 695001**
 - 2. THE SUPERINTENDENT OF POLICE
C.B.CID, WAYANAD - 695001**
 - 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031.**

R1 TO R3 BY PUBLIC PROSECUTORSRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

SUNIL THOMAS, J.

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B.A.No.2682 of 2015

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Dated this the 27th day of July, 2015

ORDER

This application for anticipatory bail is filed by the sixth accused in Crime No.195 of 2015 of the Elathur Police Station for offences punishable under Sections 143, 147, 148, 341, 324 and 326 r/w Section 149 of the Indian Penal Code.

2. The allegation of the prosecution is that on 23.03.2015 at about 9.15 p.m., all the accused formed into an unlawful assembly and in furtherance of their common intention to cause bodily injuries on the de facto complainant, intercepted the de facto complainant, who was riding on a motor cycle and hit him on various parts of the body using iron rods. He was rushed to the hospital and was treated there. It was revealed that he had sustained two fractures. Thereafter, the crime was registered. Apprehending arrest, petitioner seeks pre-arrest bail.

3. Heard and examined the records.

4. Political rivalry is said to be the motive for the above crime. Allegation against the accused is that they were armed with iron rod and had caused bodily injuries on the de facto complainant. Investigation has substantially progressed and all other accused

except the petitioner herein have been arrested. Recovery has also been effected. The entire prosecution case, especially the case as against the petitioner herein, is stated to be roped in with the aid of Section 149 of the IPC. The individual overt acts of each of the person may not be of much relevance especially when during night a group of persons attack a single person. However, considering the fact that the investigation has substantially progressed and recovery been effected, I feel that though the allegation against the petitioner herein cannot be lightly seen, he can be granted pre-arrest bail at this stage of investigation, subject to the following conditions.

(i) Petitioner shall appear before the Investigating Officer on 03.08.2015 between 9 a.m. and 10 a.m. and shall undergo interrogation. After the interrogation is over, he shall be released on bail on he executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each.

(ii) Petitioner shall appear before the Investigating Officer on all Wednesdays between 9 a.m. and 10 a.m. for a period of two months from the date of execution of the bond as above or till charge is laid, whichever is earlier.

(iii) Petitioner shall not in any manner interfere with the process of investigation,

threaten, coerce or intimidate any of the witnesses and shall not get involved in any other identical offence.

Sd/-

SUNIL THOMAS
Judge

Sbna

True Copy

P.A to Judge