

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Bail Appl..No. 3737 of 2015

CRIME NO. 296/2014 OF MATTANNUR POLICE STATION, KANNUR DISTRICT.
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PETITIONER/ACCUSED:

**AKHILESH, AGED 25 YEARS,
S/O.DAMODARAN NAMBIAR,
MURIKKAL HOUSE, PERINCHERI,
KAYANI P.O., KANNUR DT.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. HARILAL, J.

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B.A.No. 3737 of 2015

Dated this the 1st day of July, 2015

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the 5th accused in Crime No.296 of 2014 of Mattannur Police Station, registered for the offences punishable under Sections 143, 147, 148, 452, 506(ii) read with Section 149 of the Indian Penal Code and Sections 3 and 5 of the Explosive Substance Act.

3. The prosecution case is that on 16.03.2014 at about 11.45 hours, the petitioner along with others who are C.P.M. workers, formed themselves into an unlawful assembly in furtherance of their common object to commit offence, trespassed into the house of the *de facto* complainant and hurled bomb and thereby committed the offences alleged against him.

4. The learned counsel for the petitioner submits that he is totally innocent of the allegations levelled against him. He was implicated in the crime without proper investigation. Now the investigation is practically over and no purpose will be served by

a continued detention.

5. The learned Public Prosecutor on instructions submits that the petitioner is the fifth accused in Crime No.296 of 2014, registered for the offences punishable under Sections 143, 147, 148, 452, 506(ii) read with Section 149 of the Indian Penal Code and Sections 3 and 5 of the Explosive Substance Act and he was arrested on 21.05.2015. The learned Public Prosecutor expressed the apprehension that if he is released on bail, his presence will adversely affect the present law and order situation of the locality. So also, he may tamper with evidence and influence the witnesses, considering the facts and circumstances of the case.

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

7. Having regard to the fact that he was arrested on 21.05.2015, I am of the opinion that continued detention of the petitioner is not necessary for further investigation and he can be released on bail on stringent conditions.

In the result, this bail application is allowed.

- i. *The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class*

Magistrate Court, Mattannur.

- ii. The petitioner shall report before the Investigating Officer on every Wednesday at 10 a.m. for a period of two months.*
- iii. The petitioner shall surrender his passport before the lower Court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- iv. He shall not involve in any similar offences during the course of trial*
- v. He shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.*
- vi. He shall not enter the territorial limits of Mattannur Police Station, except for reporting before the Investigating Officer.*

If the petitioner violates any of the above conditions, this bail will stand cancelled automatically, and in that event the court below on satisfaction of the facts, will be at liberty to proceed against the petitioner, in accordance with law.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge