

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 4018 of 2015

CRIME NO. 283/2015 OF KELAKAM POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED :

- 1. GIRISH, S/O.SASIDHARAN AGED 26 YEARS
THADATHIL HOUSE, KELAKOM AMSOM, KELAKOM DESOM,
KANNUR DISTRICT.**
- 2. VAISHAK, S/O.SASIDHARAN,
AGED 24 YEARS, THADATHIL HOUSE, KELAKOM AMSOM,
KELAKOM DESOM, KANNUR DISTRICT.**

**BY ADVS.SRI.R.SUDHEER
SRI.P.SAJU**

RESPONDENT(S)/COMPLAINANT :

**THE SHO, KELAKOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. No.4018 of 2015

Dated this the 14th day of July 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused in Crime No.283 of 2015 of Kelakam Police station registered for the offences under Secs.143, 147, 294(b), 341, 353 and 332 read with Sec.149 of the India Penal Code. The prosecution case is that when the Police attempted to disburse two groups of people who were involved in attacking each other, the petitioner and the co-accused assaulted a Police Constable.

3. Heard both sides.

4. Learned Public Prosecutor submits that the 1st petitioner is not arrayed as an accused in this case.

5. The identity of the 2nd petitioner was not disclosed in the First Information Report. The incident took place on 25.05.2015. The petitioner was made an accused only on 12.06.2015. He is shown as accused No.11. It is not known how his identity was ascertained.

Having regard to these facts, I am inclined to

grant the prayer of the 2nd petitioner.

In the result, the bail application is allowed.

1) The 2nd petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every alternate Wednesday for three months or till the final report is filed whichever is earlier.

3) He shall not destroy or tamper with evidence.

4) He shall not intimidate or influence the witnesses nor shall he get himself involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

6. If the 2nd petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

The application is dismissed so far as the 1st petitioner is concerned as it is reported that he is not an accused in this case.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge