

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5250 of 2015 ()

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CRIME NO. 302/2015 OF CHERPU POLICE STATION, THRISSUR DISTRICT.**

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APPLICANTS/ACCUSED NOS.1 TO 10:

- 1. RISHIKESH, AGED 24 YEARS,
S/O.S.M. SURESH, MAROTTIKKAL HOUSE,
PERINGATTUKARA, SAHODARAVEEDHI,
THANNIAM DESOM, THRISSUR DISTRICT.**
- 2. NIJIN @ KUNJAPPU, AGED 19 YEARS,
S/O. UDAYAN, KOTTALA HOUSE,
MUTTICHOOR DESOM, PADIYAM VILLAGE.**
- 3. PRASANTH @ KOCHU, AGED 25 YEARS,
S/O. PRABHAKARAN, KECHATH HOUSE,
KANDASSANKADAVU, THANAPADAM,
THEKKEKARA DESOM, KARAMUKKU VILLAGE.**
- 4. RASANTH, AGED 23 YEARS,
S/O. RAVI, PLAKKIL HOUSE, POOKODE VILLAGE,
KOTTAPPADI, PILLAKKAD DESOM.**
- 5. BRASHNEV, AGED 23 YEARS,
S/O. PEETHAMBARAN, VALAPARAMBIL HOUSE,
THANNIYAM VILLAGE, PERINGOTTUKARA,
KARAVAMKULAM DESOM.**
- 6. SIVADASAN @ SIVAN, AGED 43 YEARS,
S/O. SUBHRAMANIADAS, THARAYIL HOUSE,
PERINGOTTUKARA, MUTHEDATHARA DESOM,
THANNIYAM VILLAGE.**
- 7. RAGESH @ MAMMADI, AGED 36 YEARS,
S/O. RAMACHANDRAN, MAMBULLY HOUSE,
MUTTICHUR DESOM, PADIYAM VILLAGE.**
- 8. BAIJU K.S, AGED 21 YEARS,
S/O.SUNNY, KURUTHUKULANGARA,
KOOLA HOUSE, CHAZHOOR, S.N. ROAD DESOM,
CHAZHOOR VILLAGE.**

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**9. SAMANDH, AGED 49 YEARS, S/O. PRADEEP,
KARAYIL HOUSE, PERINGOTTUKARA,
KIZHAKKUMMURI, THRISSUR.**

**10. SARASAN V.B, AGED 43 YEARS,
S/O. BALAN, VIYYATH HOUSE, KARANCHIRA,
MANAYAM DESOM, KATTOOR VILLAGE.**

**BY SRI.P.VIJAYA BHANU, SENIOR ADVOCATE.
ADVS. SRI.M.REVIKRISHNAN,
SRI.VIPIN NARAYAN.**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.5250 of 2015

Dated this the 8th day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused 1 and 10 in crime No.302/2015 of Cherpu Police Station registered for offences punishable under Sections 120B, 201, 324, 326, 307 and 302 r/w Section 34 I.P.C and Section 27 of the Arms Act.

3. The accused persons firmly believed that deceased Deepak was the master mind behind an incident in which earlier in 2013 one of their party men sustained serious injuries. On that belief, accused persons conspired together to commit murder of Deekak on 24-03-2015 at 8.30 p.m., arranged vehicles and arms and committed his murder. The accused persons 1 to 4 used weapons like dagger, sword etc. and attacked the deceased. It is also alleged that other persons, who tried to rescue the deceased were also attacked.

4. Heard Sri.P.Vijaya Bhanu, the learned Senior Counsel for the petitioners and Sri.C.Rasheed, the learned Public Prosecutor.

5. Learned Senior Counsel for the petitioners submitted that they are in custody for the last 166 days. There is no reason for detaining them further in this case since charge sheet has already been filed and the matter is pending before the learned Magistrate in Committal Proceedings.

6. Learned Public Prosecutor opposed the bail application contending that the accused persons are involved in various other crimes. Release of the accused persons may cause breach of peace in the area. It is also submitted that this is an incident in a sequence of political clashes between two rival fractions. A report is also filed showing that accused Nos.1, 2, 3, 5, 6, 7, 8, 9 and 10 are involved in other crimes. Learned Public Prosecutor further submitted that even though the complicity of 4th accused in other crimes was not revealed, he is the kingpin in the operation and his complicity in this case is revealed by the materials in the case diary. Considering the entire facts and circumstances and also the number of days that the accused persons have undergone in judicial custody, I am inclined

to grant bail to accused Nos. 8 to 10 with following strict conditions.

Bail application in respect of other accused persons stands hereby dismissed.

1. Petitioners 8 to 10 shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioners 8 to 10 shall not enter the Revenue District of Thrissur for a period of three months except for the purpose of appearing before the court.
4. Petitioners 8 to 10 surrender their passports, if any. If they does not have a passport, they shall file an affidavit stating that fact before the court below.
5. The petitioners shall not indulge in any offence while on bail.
6. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.
7. If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

The learned Magistrate shall expedite the committal proceedings, at any rate complete the proceedings within a period of one months.

amk

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge