

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Bail Appl..No. 5252 of 2015

CRIME NO. 321/2015 OF PAVARATTY POLICE STATION , TRISSUR

APPLICANTS/ACCUSED NOS.1 TO 6:

1. NAVEEN, AGED 22 YEARS,
S/O. VELAYUDHAN, PATTALLY VEEDU, PUVATHOOR,
NEAR AYYAPPA TEMPLE, THRISSUR DISTRICT.
2. PRAMOD, AGED 30 YEARS,
S/O RAVI, PANIKKAN HOUSE, AYIRAMKANNI TEMPLE,
VATANAPPILLY VILLAGE, THRISSUR DISTRICT.
3. RAHUL, AGED 24 YEARS,
S/O KUTTAPPAN, KONTACHAN VEEDU, CHUKKU BAZAR,
VENMENAD P.O., THRISSUR DISTRICT.
4. VIASYAK, AGED 28 YEARS,
S/O VINOD, MOOKKOLA VEEDU, CHUKKU BAZAR,
VENMANAD P.O., THRISSUR DISTRICT.
5. SUBIN @ KANNAN, AGED 29 YEARS,
S/O KARAPPU, THEKKEPATTU HOSUE, THIRINELLUR,
PAVARATTY, THRISSUR DISTRICT.
6. BIJU, AGED 34 YEARS,
S/O SANJARANARAYANAN, KONTACHAN VEEDU, CHUKKU BAZAR
VENMENAD, PAVARATTY, THRISSUR DISTRICT.

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.V.C.SARATH
SRI.THOMAS J.ANAKKALLUNKAL**

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 03-09-2015,
ALONG WITH BA.NO.5257/2015 , THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

A.HARIPRASAD, J.

B.A Nos.5252 & 5257 of 2015

Dated this the 3rd day of September, 2015.

COMMON ORDER

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

2. Accused Nos.1 to 6 are the petitioners in B.A No.5252/2015 and 7th accused is the petitioner in B.A No.5257/2015 in Crime No.321/2015 of Pavaratty Police Station registered for offences punishable under Sections 143, 147, 148, 341, 506(ii), 326, 120B, 109, 212 and 302 r/w Section 149 I.P.C and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on 01-03-2015 at about 19.30 hours while the defacto complaint was riding a motor cycle with his friend deceased Shihab on the pillion, the accused persons due to political enmity and with an intention to commit murder of deceased Shihab, wrongfully restrained them and attacked deceased Shihab causing grievous injuries. Later, he succumbed to the injuries. Accused pleaded innocence.

4. Heard Sri.P.Vijaya Bhanu, the learned Senior Counsel for

the petitioners and Sri.C.Rasheed, the learned Public Prosecutor for the State.

5. Learned Public Prosecutor opposed the bail application contending that series of such incidents had taken place in that area affecting the peace and public tranquility. Political rivalry between two parties resulted in such clashes and loss of human life. It is also submitted that lot of cases are pending against accused Nos.2, 4 and 6 and accused No.1 also played a major role in the incident.

6. Learned counsel for the petitioners submitted that they are falsely implicated in this case only on account of difference in political ideology. The important question to be considered is whether there is any likelihood of breach of peace in the area if the accused are released on bail. The matter is now pending in committal proceedings. Considering the stage of the matter and the fact that the accused are in custody for about six months, I am of the view that bail can be granted only to

accused Nos.3, 5 and 7 with following strict conditions :

1. Accused 3, 5 and 7 in the above crime shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum each 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. The petitioners shall not enter the Revenue District of Thrissur for a period of one year except for the purpose of appearing before the court.
4. The petitioners shall not indulge in any offence while on bail.
5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge