

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5900 of 2015 ()

CRIME NO. 891/2015 OF SREEKARIYAM POLICE STATION, TRIVANDRUM

PETITIONER/ACCUSED NO.1 :

**BAIJU K.B., AGED 21 YEARS
S/O. BALAKRISHNAN K.K., KOLIKKAL HOUSE
THALIYIL MANGAD P.O., KALLYASSERY,
KANNUR-670 562.**

BY ADV. SRI.K.P.MUJEEB

RESPONDNET/COMPLAINANT :

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

BY SR. PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.5900 of 2015

Dated this the 30th day of September, 2015

O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.891 of 2015 of Sreekaryam Police Station registered for the offences punishable under Sections 143, 147, 149, 304 and 201 of the Indian Penal Code.

3. Prosecution allegation against the petitioner is that on 19.08.2015 between 15 and 17 hours, the petitioner along with other accused persons formed themselves into an unlawful assembly and drove an open jeep in over speed through the campus of the College of Engineering, Thiruvananthapuram and it knocked down a 3rd year student, which resulted in her death. Petitioner is said to be a 7th Semester student of the same college.

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

5. Leaned counsel for the petitioner submitted that

the petitioner happened to be in the driving seat of the offending jeep at the time of the incident. Onam celebrations in the college was conducted with the permission of the authorities. Annexure-A is produced to show that the students in the Men's Hostel of the College of Engineering, Thiruvananthapuram, were permitted to take out a procession on 19.08.2015 between 04.00 to 4.30 p.m. The incident took place during the procession, wherein a girl student lost her life. The petitioner remains in custody from 23.08.2015 onwards.

6. Learned Public Prosecutor submitted that the major portion of the investigation in respect of this accused is over.

7. Considering the entire facts and circumstances, I do not find any reason to retain the petitioner in custody any more. Hence, grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties

for the like sum to the satisfaction of the learned magistrate having jurisdiction.

- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) One of the parents of the petitioner shall be an additional surety.
- (d) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he does not have a passport, he shall file an affidavit to that effect.
- (e) The petitioner shall appear before the Investigating Officer on all Saturdays and Sundays between 09.00 a.m and 10.00 a.m. until the final report is filed.
- (f) The petitioner shall not intimidate or attempt to influence the witnesses.

(g) The petitioner shall not in any manner interfere or meddle with the investigation.

(h) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A to Judge