

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 5910 of 2015 ()

CRIME NO. 2130/2015 OF CHENGANNUR POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER(S)/1ST & 2ND ACCUSED:

- 1. RAJEEV, AGED 39 YEARS,
S/O SIVAN, CHARIVUPURAYIDAHIL,
KEEZHCHERIMEL CHENGANNUR, ALAPPUZHA.**
- 2. RATHEESH KUMAR, AGED 35 YEARS,
S/O SIVAN, CHARIVUPURAYIDAHIL,
KEEZHCHERIMEL CHENGANNUR, ALAPPUZHA.**

BY ADV. SRI.P.VINODKUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A.No.5910 of 2015

Dated this the 6th day of October, 2015

O R D E R

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

2. Petitioners are accused Nos.1 and 2 in Crime No.2130 of 2015 of Chengannur Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 307 r/w Section 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case is that on 28.08.2015 at about 09.00 p.m., the accused persons armed with deadly weapons like sword and stick formed themselves into an unlawful assembly at Chengannur and in prosecution of their common object they assaulted Sarath and 9 others, who are the accused in Crime No.2122 of 2015 of Chengannur Police Station, and thus they committed the said offences. The other crime is registered for the offence under Section 302 and other offences under the Indian Penal Code.

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

5. Leaned Public Prosecutor submitted that the incident is in relation to a gang war between two groups. The petitioners were arrested on 31.08.2015.

6. Considering the nature of incident and the possibility of occurrence breach of peace, bail granted to the petitioners with the following conditions:

- (a) Each petitioners shall be released on bail on 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) The petitioners shall appear before the Investigating Officer on all Mondays and

Thursdays between 10.00 a.m and 11.00 a.m.
until the final report is filed.

- (d) The petitioners shall not enter the local limits of Chengannur Police Station for a period of three months except for the purpose of reporting to the Investigating Officer or attending the court.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) The petitioners 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