

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 6092 of 2015

CRIME NO. 1287/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT.
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PETITIONER(S)/ACCUSED NO.2 & 3:

- 1. SAJITH O., S/O.RAGHAVAN, AGED 29 YEARS,
ONAKKANTE HOUSE, KUNNARU, A.K.G.NAGAR,
RAMANTHALI AMSOM, TALIPARAMBA TALUK.**
- 2. SHAJAHAN P.P., S/O.ASSAINAR, AGED 36,
PUTHIYAPURAYIL HOUSE, VADAKKUMBAD,
RAMANTHALI AMSOM, TALIPARAMBA TALUK.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY STATE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.6092 & 6174 of 2015

Dated this the 13th day of October 2015

ORDER

Bail applications filed under Sec.439 Cr.P.C.

2. Petitioners are accused in Crime No.1287 of 2015 of Payyannur Police station registered for the offences punishable under Secs.143, 147, 148, 307, 359 and 332 read with Sec.149 of the Indian Penal Code and Sec.27 of the Arms Act and Secs.3(2)(c) of the Prevention of Damage to Public Property Act. Prosecution case is that on 17.09.2015 at about 20.15 hours, the petitioners, who are members of an unlawful assembly, along with other accused, armed with deadly weapons like iron rod, sword etc. intercepted the Police vehicle and attacked the defacto complainant with sword causing him injuries. They also beat the Police officers and caused damage to the jeep to the tune of Rs.14,000/- (Rupees fourteen thousand only).

3. Heard the learned counsel for the petitioners

and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that there is no ingredient to attract the offence under Sec.307 of the Indian Penal Code. It is also submitted that identity of the petitioners was not revealed in the earlier part of the investigation and they are falsely implicated in this crime.

5. Learned Public Prosecutor opposed the bail application contending that the 3rd accused is involved in three other cases of serious magnitude. Accused nos.2 and 3 were arrested on 18.09.2015. The 4th accused was arrested on 25.09.2015. There is no allegation against accused nos.2 and 4 that they are involved in any other offence.

Considering the entire facts and circumstances, I am inclined to think that accused nos. 2 and 4 can be released on bail and the bail plea of the 3rd accused is rejected for the time being.

i. Accused nos.2 and 4 shall be released on bail on their executing a bond

for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. They shall appear before the Investigating Officer for interrogation on every Monday and Thursday between 10.00 a.m. and 11.00 a.m. till the final report is filed.

iv. Each of the petitioners shall deposit Rs.7,500/- (Rupees seven thousand five hundred only) before the Magistrate having jurisdiction within one week from the date of release.

v. They shall not intimidate or attempt

to influence the witnesses, nor shall they
tamper with the evidence.

vi. They shall not involve in any other
offence during the period of bail.

In case of violation of any of the above
conditions, the learned Magistrate is empowered to
cancel the bail in accordance with law without referring
the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/13/10/2015

P.A. To Judge