

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Bail Appl..No. 6295 of 2015 ()

**CRIME NO. 304/2015 OF AMBALATHARA POLICE STATION,
KASARGOD DISTRICT**

PETITIONERS/ACCUSED 2 AND 3 :

- 1. PUSHPARAJ V.K @ PUSHPAN, AGED 37 YEARS,
S/O.PERATOOR KUNHIRAMAN, KAMBIKKANAM HOUSE, ERALAL
KALICHANADUKAM, THAYANNUR GRAMAM, KASARAGOD DISTRICT.**
- 2. VIJAYAN K.
S/O. PERATOOR KUNHIRAMAN, KAMBIKKANAM HOUSE, ERALAL
KALICHANADUKAM, THAYANNUR GRAMAM, KASARAGOD DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR**

RESPONDENT/COMPLAINANT AND STATE :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.6295 of 2015

Dated this the 28th day of October, 2015

O R D E R

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

2. Petitioners are the accused in Crime No.304 of 2015 of Ambalathara Police Station registered for the offences punishable under Sections 341, 323, 307, 120(B) and 302 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 28.08.2015 at 14.35 hours the accused persons who were members of a political party armed themselves with deadly weapons attacked the deceased and another person causing death of one Narayanan and injuries to his brother.

4. Heard both sides.

5. Leaned counsel for the petitioners submitted that going by the allegations in the FIS, the petitioners were not present at the place of occurrence and they did not directly involve in any of the transaction.

6. Leaned Public Prosecutor strongly opposed the

bail application contending that subsequent to the incident 6 other crimes have been registered, as there were group clashes due to political hostility. Crime No.310 of 2015 of the same Police Station was registered under Section 307 r/w Section 34 of the Indian Penal Code, on the complaint of the first petitioner that he was attacked by the members of the political opponents.

7. Considering the facts and circumstances of the case and the nature of allegations, I am inclined to grant bail to the petitioners with the following strict conditions:

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

lower court 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 between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioners shall not enter the limits of Kasaragod District for a period of three months, except for complying the bail conditions.
- (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