

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6658 of 2015 ()

**CRIME NO. 1080/2015 OF KASABA POLICE STATION,
PALAKKAD DISTRICT**

PETITIONERS/ACCUSED :

- 1. NISHAD, AGED 28 YEARS
S/O. KANAKARAJ, NISHA NIVAS, NEELIKKAD,
PUDUSSERY, PALAKKADU DISTRICT.**
- 2. MAHESH, AGED 30 YEARS,
S/O. KRISHNAN, KUNNEKKADU HOUSE,
PUDUSSERY, PALAKKADU DISTRICT.**
- 3. SUDARSANAM @ APPUKUTTA, AGED 25 YEARS,
S/O. ARU, KUNNEKKADU HOUSE, PUDUSSERY,
PALAKKADU DISTRICT.**
- 4. SUNU, AGED 20 YEARS,
S/O. SUBRAMANIA, PAMP ROAD, PUDUSSERY
PALAKKADU DISTRICT.**
- 5. RAMESH
S/O. KUNJALI, KUNNEKKADVEESU, PUDUSSERY
PALAKKADU DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.RESMI THOMAS**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSEUCTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SM. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.6658 of 2015

Dated this the 13th day of November 2015

O R D E R

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

2. Petitioners are accused nos.1 to 5 in Crime No.1080 of 2015 of Kasba Police station, Palakkad registered for the offences punishable under Secs.143 147, 148, 327, 324 and 308 read with Sec.149 of the Indian Penal Code. Prosecution case is that, on 20.09.2015 at about 08.00 p.m., the accused persons in furtherance of their common object formed themselves into an unlawful assembly and attacked the defacto complainant with iron rods and attempted to commit culpable homicide.

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

4. Learned counsel for the petitioners submitted that the petitioners have been in custody since 28.09.2015 and they may be released on bail.

5. Learned Public Prosecutor opposed the bail

application contending that some of the accused are involved in other crimes. It is also contended that the clash was on account of political dispute.

Considering the nature of allegations, bail is granted to the petitioners with the following conditions.

i. The petitioners shall be released on bail on their executing a bond for Rs.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.

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. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioners shall appear before

the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. untill final report is filed.

v. The petitioners shall surrender their passports before the lower court concerned or if they do not have the same, file affidavits to that effect.

vi. The petitioners shall not enter the local limits of Kasba Police station, Palakkad except for complying with the directions in this order for a period of three months.

vii. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

viii. The petitioners 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

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cancel the bail in accordance with law without referring
the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/13/11/2015

P.A. To Judge