

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6692 of 2015 ()

CRIME NO. 1170/2015 OF KASABA POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED NO. 1 & 4 :

1. **AJITH KUMAR**
AGED 20 YEARS, S/O. KUMAR,
THOTTUMEDU HOUSE, CHADAYANKALI
KANJIKODU, PALAKKADU DISTRICT.

2. **RAJI @ RAJENDRAN**
AGED 32 YEARS, S/O. SUNDARAN,
UMMINIKALAM HOUSE, KANJIKODU
PALAKKADU DISTRICT.

BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.RESMI THOMAS
SRI.P.A.VIBIN

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A.No.6692 of 2015

Dated this the 30th day of October, 2015

ORDER

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

2. Petitioners are the accused 1 and 4 in Crime No.1170 of 2015 of Kasaba Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 11.10.2015 at about 07.30 p.m., the accused persons in furtherance of their common object, formed themselves into an unlawful assembly with deadly weapons like sword, iron rod etc., and attempted to kill the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the allegation of Section 308 IPC is added without any basis.

6. Learned Public Prosecutor opposed the bail application and contended that the victim sustained

injuries on account of using a sword. Further, the first petitioner is involved in 4 cases of serious nature and the second petitioner is involved in one case of a lesser magnitude.

7. Considering the nature of allegations and the fact that it arises out of a political clash, bail is granted to the second petitioner and the plea for bail by the first petitioner is rejected. Hence, his application is dismissed.

- (a) The second 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 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 second petitioner shall appear before the Investigating Officer on all Mondays and

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

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