

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Bail Appl..No. 6815 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CRMP 8200/2015 of J.M.F.C.-I, PALAKKAD
DATED 09-10-2015

CRIME NO. 1083/2015 OF KASABA POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED 2,8,9,11 AND 15:

1. SATHEESH AGED 29 YEARS
S/O.RAMAKRISHNAN, BHAGAVATHIVATTOMVEEDU, NEELIKKADU
PUDUSSERY, PALAKKAD.

2. SURESH @ SURESH KUMAR AGED 45 YEARS
S/O.BALAKRISHNAN, NEELIKKADU, PUDUSSERY
PALAKKAD.

3. MAHESH AGED 23 YEARS
S/O.MANICKAN, PARAPADICKAL HOUSE, NEELIKKADU
PUDUSSERY, PALAKKAD.

4. SUNIL AGED 27 YEARS
S/O.VELAYUDHAN, PARAPADICKAL HOUSE, NEELIKKADU
PUDUSSERY, PALAKKAD.

5. SURESH AGED 25 YEARS
S/O.RAJU, NEELIKKADU, PUDUSSERY
PALAKKAD.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REP. BY S.I.OF POLICE, KASABA POLICE STATION
PALAKKAD DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MS.T.U.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

B.A.No. 6815 of 2015

Dated this the 9th November, 2015

O R D E R

Petitioners are accused Nos.2, 8, 9, 11 and 15 in Crime No.1083/2015 of Kasaba Police station, PaLakkad, registered under Sections 143, 147, 148, 324, 326 and 308 read with Section 149 of Indian Penal Code.

2. The prosecution allegation is that on 20.9.2015 at 10.30 p.m., the petitioners along with other accused formed themselves into an unlawful assembly, armed with deadly weapons like sword, sword stick, soda glasses, stick etc. in prosecution of the common object and attacked the *de facto* complainant and his friends, causing injuries on them. The motive alleged is political animosity.

3. The petitioners were arrested on 8.10.2015 and ever since they have been in custody.

4. Heard.

5. The learned Public Prosecutor has no serious objection in granting bail to the petitioners. It appears from the case diary that the major part of the investigation as regards the petitioners is almost complete.

6. Considering the facts and circumstances of the case, including the period of detention of the petitioners and also the stage of investigation, I am inclined to grant bail to the petitioners.

7. In the result, this bail application stands allowed and the petitioners shall be enlarged on bail on condition of each of the petitioners executing a bond for ₹35,000/- (rupees thirty five thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the jurisdictional Magistrate and subject to the following conditions:

- i) The petitioners shall report before the Investigating Officer on every Saturday between 9 a.m. and 11 a.m. for six months

or until the filing of the final report, whichever is earlier.

- ii) The petitioners shall not enter into the jurisdiction of the Sessions division, Palakkad without the leave of the learned Magistrate, except for the purpose of reporting before the Investigation Officer as directed above until further orders.
- iii) The petitioners shall not get involved in any offence while they are on bail.
- iii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

8. I make it clear that if any of the above conditions is violated, the learned Magistrate shall be at liberty to cancel the bail in accordance with law without any reference to this Court as held by the Apex Court in ***P.K.Shaji @ Thammanam Shaji v. State of Kerala*** (AIR 2006 SC 100).

It has been submitted that the father of the second petitioner has expired today morning. Therefore, the second petitioner shall be at liberty to attend the funeral

of his father today, if he executes the bond today as directed above.

**B.SUDHEENDRA KUMAR
JUDGE**

vgs9/11/15