

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6818 of 2015 ()

CRIME NO. 974/2015 OF WALAYAR POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED 1 TO 6 :

- 1. RATHEESH
S/O.RAJAN, AGED 28 YEARS
MUKRONI, KANJIKODE
PALAKKAD.**
- 2. PRANAV
S/O.CHANDRAN, AGED 23 YEARS
VADUKKATHARA, WALAYAR
PALAKKAD.**
- 3. VIJI @ VIJAYAKUMAR
S/O.PONNUCHAMI, AGED 24 YEARS
CHULLIPALLAM, PANANKAD
KANJIKODE, PALAKKAD.**
- 4. DILEEP
S/O.DURAI, AGED 19 YEARS
VADAKKATHARA, KANJIKODE
PALAKKAD.**
- 5. SARAVANAN
S/O.CHINNARAJ, AGED 28 YEARS
PANANKAD, KANJIKODE
PALAKKAD.**
- 6. NANDAKUMAR
S/O.KANNAN, AGED 21 YEARS
HILLVIEW NAGAR, KANJIKODE
PALAKKAD.**

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A No.6818 of 2015

Dated this the 17th day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are the accused Nos.1 to 6 in Crime No.974/2015 of Walayar Police Station registered for offences punishable under Sections 143, 144, 147, 148, 341, 324 and 307 r/w Section 149 I.P.C.

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

4. Prosecution case, in short, is that the petitioners attacked the Area Secretary of a political outfit on 20-09-2015 at about 8.30 p.m., and they used sword and iron pipe to attack.

5. Learned counsel for the petitioners submitted that A1 and A2 are in custody for the last 56 days and other accused are also in long term custody. Learned Public Prosecutor opposed the bail application by contending that they are involved in other

offences. Further, there may be law and order problems if the petitioners are released on bail. Considering the nature of allegations and the number of days undergone in judicial custody, I find that bail can be granted to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum each to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioners shall not enter the limit of

Walayar Police station for a period of three months except for the purpose of appearing before the court/investigating officer

5. The petitioners shall not indulge in any offence while on bail.
6. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

//True copy//

PA to Judge