

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7128 of 2015 ()

CRIME NO. 1203/2015 OF MALA POLICE STATION.

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PETITIONER/ACCUSED NOS.1, 3 TO 6:

- 1. VISHAL, AGED 25 YEARS,
S/O.MANOCHARAN, KOTTUKARA HOUSE,
GURUTHIPALA DESOM, ANNALLUR VILLAGE.**
- 2. SANOOP @ MANU, AGED 23 YEARS,
S/O. APPUKUTTAN, THACHANADAN HOUSE,
ANAPPARA DESOM, ANNALLUR VILLAGE.**
- 3. VISHNU, S/O.AKHILESAN,
AGED 24 YEARS, ARANGEDATH HOUSE,
PULIYILAKKUNNU, ASHTAMICHIRA.**
- 4. SUMESH, S/O.KUTTAN,
AGED 40 YEARS, VELUTHAI HOUSE,
VENNURPADAM DESOM, ALATHUR VILLAGE.**
- 5. RAHUL, AGED 25 YEARS,
S/O.SUBRAN, KOOTALA HOUSE,
THIRUTHIPARAMU DESOM, ALOOR VILLAGE.**

BY ADV. SRI.A.C.DEVY.

RESPONDENT/COMPLAINANT:

**THE TATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.7128 of 2015

Dated this the 25th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Accused 1 and 3 to 6 in Mala Police Station Crime No.1203 of 2015 registered for offences punishable under Sections 143, 147, 148, 452, 341, 323, 324 read with Section 149 of the Indian Penal Code are the petitioners. They seek bail.

3. Prosecution case is that the accused persons as members of an unlawful assembly armed with wooden sticks, attacked the defacto complainant by trespassing into his house and caused injuries.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. It is submitted that the first accused is involved in 18 criminal cases and proceedings under the Kerala Anti-social Activities (Prevention) Act, 2007. It is also submitted that the third accused is involved in a case under the Narcotic Drugs and Psychotropic Substances Act. Fourth accused is involved in cases under Section 308 of the Indian Penal Code. Fifth accused is involved in cases under Section 307 of the Narcotic Drugs and

Psychotropic Substances Act and the sixth accused, in cases under Section 380 of the Indian Penal Code and the Narcotic Drugs and Psychotropic Substances Act.

6. Learned counsel for the petitioners submitted that out of the 18 cases, the first accused (first petitioner) is acquitted in 12 cases.

Considering the antecedents of the first accused (first petitioner), I am not inclined to grant bail to him. His application will stand dismissed. Regarding accused 3 to 6 (petitioners 2 to 5), I am of the view that strict bail conditions will have to be imposed reckoning their criminal antecedents. Hence the following directions are issued:

i. Petitioners 2 to 5 shall be released on bail on each one of them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners 2 to 5 shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall surrender their passports forthwith. If any of them does not have a passport, he shall swear to an affidavit to that effect and submit it before the learned Magistrate having jurisdiction.

v. They shall not indulge in any offence while on bail.

vi. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by petitioners 2 to 5, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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