

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7346 of 2015

CRIME NO. 950/2015 OF PERINGOME POLICE STATION, KANNUR DISTRICT.
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PETITIONER(S)/ACCUSED NO.11 TO 13:

1. SHINOJ K.V, AGED 33 YEARS,
S/O.KUNHIRAMAN, KOLIYADAN HOUSE,
AYYOLAM, MATHIL, ALAPPADAMBA AMSOM.
2. RAJESH K.V., S/O.KRISHNAN, AGED 29 YEARS,
KOLIYADAN HOUSE, AYYOLAM,
MATHIL, ALAPPADAMBA AMSOM.
3. GUNASEKHARAN NAIR,
S/O.BALAKRISHNAN NAIR, AGED 45 YEARS,
EDATHIL HOUSE, AYYOLAM, MATHIL,
ALAPPADAMBA AMSOM.

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/STATE:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.7346 of 2015

Dated this the 26th day of November, 2015

ORDER

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

2. Petitioners are the accused Nos.11 to 13 in Crime No.950 of 2015 of Peringome Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 332, 307 and 395 r/w Section 149 of the Indian Penal Code and Section 3(1) of PDPP Act and Section 128 (B) of Kerala Panchayath Raj Act, seek bail.

3. Prosecution case is that on 02.11.2015 at about 17.40 hours, the accused persons formed themselves into an unlawful assembly with common object, armed with deadly weapons, assaulted a Sub Inspector of Police on election duty and voluntarily caused hurt to him and even attempted to commit murder. It appears that there was political clash on the day of election.

4. Heard both sides.

5. Learned Public Prosecutor opposed the bail application. According to her, material witnesses are to be

questioned. In addition to the attack on a Sub Inspector, they have destroyed video camera and Police jeep.

6. Considering the nature of allegations and the fact that they are in custody from 02.11.2015 onwards, I am inclined to grant bail to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹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.
- (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 petitioners shall appear before the Investigating Officer on all Mondays and

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

- (d) Each petitioner shall deposit ₹5,000/- (Rupees five thousand only) before the Magistrate having jurisdiction within a period one week from the date of release.
- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners 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.

AS

Sd/-
A.HARIPRASAD, JUDGE.
/True Copy/

P.A. To Judge