

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937**

**Bail Appl..No. 7373 of 2015**  
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**CRIME NO. 950/2015 OF HOSDURG POLICE STATION, KASARGOD**  
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**PETITIONER(S)/ACCUSED NOS.2, 3 & 6:**  
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1. NISHANTH A, AGED 24 YEARS,  
S/O.BALAKRISHNAN, ERUTHODATH HOUSE, KUNDARA,  
AMBALATHARA GRAMAM, ECHIKANAM P.O.
2. MAHESH M, AGED 27 YEARS,  
S/O.KUNHIKANNAN, VELLACHERI VEEDU, AMBALATHARA GRAMAM,  
ECHIKANAM P.O.
3. DHANESH V, AGED 20 YEARS,  
S/O.DAMODARAN, VALLACHERI VEEDU, AMBALATHARA GRAMAM,  
ECHIKANAM P.O.

BY ADVS.SRI.T.K.VIPINDAS  
SRI.K.V.SREE VINAYAKAN  
SRI.K.M.HASHIR  
SRI.K.M.MUHAMMED HUSSAIN

**RESPONDENT(S)/STATE:**  
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THE STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, REPRESENTING S.H.O. HOSDURG POLICE STATION,  
KASARAGOD DISTRICT. 671 121.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,  
ALONG WITH BA. 7400/2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

PJ

**A.HARIPRASAD, J.**

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**B.A. Nos.7373 & 7400 of 2015**  
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**Dated this the 2<sup>nd</sup> day of December, 2015**

**COMMON ORDER**

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

2. Accused 1 to 3, 5 and 6 in Crime No.950 of 2015 of Hosdurg Police Station registered for offences punishable under Sections 143, 148, 323, 324, 326 and 308 read with Section 34 of the Indian Penal Code are the petitioners. Some of the accused were arrested on 11.11.2015 and others surrendered on 18.11.2015. They seek bail.

3. Prosecution case, in short, is that due to political rivalry, on 02.11.2015 as members of an unlawful assembly, the petitioners committed rioting with deadly weapons and they caused grievous hurt to the defacto complainant by beating with an iron rod.

4. Heard both sides.

5. Learned Prosecutor submitted that recovery of the material object has been effected and investigation has advanced to a considerable extent.

Considering the stage of investigation, bail is granted to the petitioners with following conditions:

i. Petitioners 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 shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. Petitioners shall not indulge in any offence while on bail.

v. 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 the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

**A. HARIPRASAD, JUDGE.**

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