

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7538 of 2015 ()

CRIME NO. 953/2015 OF PERINGOME POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NO. 1, 2, 5 AND 6 :

- 1. RASHEED P.P., AGED 25 YEARS
S/O.IBRAHIM, PADINJAREPURAYIL,
KANJIRAPOYIL, PERINGOME AMSOM.**
- 2. DINESHAN K.,
S/O.SARADA, AGED 29 YEARS
KUNNATH HOUSE, CHEMANA
PERINTHATTA AMSOM.**
- 3. DHANESH E.,
S/O.DAMODARAN K.V., AGED 23 YEARS
KURUTTAN HOUSE, THAVIDISSERI
PERINTHATTA AMSOM.**
- 4. SANTHOSH V.P.,
S/O.KANNAN, AGED 38 YEARS
VADAKKEPURAYIL HOUSE, THAVIDISSERI
PERINTHATTA 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 03-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

A.HARIPRASAD, J.

B.A. No.7538 of 2015

Dated this the 3rd day of December, 2015

ORDER

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

2. Peringome Police Station Crime No.953 of 2015 is registered against the petitioners and other accused persons for offences punishable under Sections 143, 147, 148, 341, 323 and 308 read with Section 149 of the Indian Penal Code. They seek bail.

3. Prosecution case, in short, is that on 02.11.2015 at about 15.00 hours, the accused persons as members of an unlawful assembly armed with iron rod attacked the defacto complainant and caused injuries on face and other parts of the body.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that there was a scuffle on the date of Panchayat election, which resulted in the incident. It is also submitted that an offence under Section 308 of the Indian Penal Code is added only to aggravate the incident.

6. Learned Prosecutor opposed the application. From the

materials in the case diary it is seen that the fifth accused (third petitioner) used an iron rod to cause injuries. This submission is opposed by the learned counsel for the petitioners.

Even though an iron rod is said to have been used, no corresponding injury could be seen from the medical certificate. Therefore, 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.

vi. They shall not enter the limits of Peringome Police Station for a period of three months except for the purpose of complying with the bail conditions.

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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