

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 8417 of 2014

CRIME NO. 978/2014 OF MUSEUM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER/5TH ACCUSED:

KANNAPPAN, AGED 31 YEARS
S/O.RAVI, 12/982, BARTON HILL
KUNNUKUZHI, VANCHIYOOR P.O.
THIRUVANANTHAPURAM DISTRICT-695035.

BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR

RESPONDENTS/COMPLAINANT:

STATE OF KERALA
(REP. BY THE SUB INSPECTOR OF POLICE
MUSEUM POLICE STATION - CR.NO.978/2014 OF MUSEUM POLICE
STATION) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
ALONG WITH B.A.8667/2014 ON 27-01-2015, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.Nos.8417 and 8667 of 2014

Dated this the 27th day of January 2015

ORDER

Petitions filed under Section 438 of Cr.P.C.

2. The petitioner in B.A. No.8417/2014 is 5th accused and the petitioner in B.A. No.8667/2014 is the 4th accused in crime No.978/2014 of the Museum Police Station, Thiruvananthapuram registered for the offences punishable under Sections 143, 147, 148, 149, 323, 326, 308, 324 and 109 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners is that on 13.7.2014 at 12 mid night, they formed themselves into an unlawful assembly armed with deadly weapons like chopper and wooden reaper, committed rioting and attacked the de-facto complainant and his

friends. The allegation against the 5th accused is that he pushed down the de-facto complainant and slapped on his face and head. The allegation against the 4th accused is that he beat on the left leg of one Shibu, with a wooden reaper.

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

5. No criminal antecedents have been reported against the petitioners. There is no allegation that the petitioners had caused any serious hurt to the de-facto complainant. There is no allegation that the 5th accused has made use of any weapon; at the same time, it is alleged that the 4th accused had beat on the left leg of one Shibu with a wooden reaper. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of the case. Considering all the above, I am of the view that this is a fit case wherein anticipatory bail can be granted

to the petitioners, especially when no criminal antecedents have been reported against them.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 3.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves

available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge

