

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Bail Appl..No. 8813 of 2014 ()

CRIME NO. 1417/2014 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NOS. 1 TO 5:

1. **AJITH E.S, AGED 19 YEARS,S/O SOMASEKHARAN NAIR,
KANNARAM HOUSE, ALAPPADAMBA,
ETTUKUDUKKA P.O- 670 521, KANNUR DISTRICT.**
2. **NIBIN.K, AGED 19 YEARS,
S/O BALAKRISHNAN, PUNGODAN HOUSE, THAYINERI,
PAYYANNUR P.O, KANNUR DISTRICT- 670 307**
3. **SUBIN.K, AGED 22 YEARS,
S/O SURENDRAN.A, VATTAKOVVAL HOUSE, KANDOTH,
KANDOTH P.O- 670 307, PAYYANNUR VIA,
KANNUR DISTIRCT.**
4. **SANIL A.V, AGED 21 YEARS,
S/O PADMANABHAN K.V, ALAKKADAN HOUSE,
PANGADAM KANDOTH P.O, PAYYANNUR VIA,
KANNUR DISTRICT, PIN-670 307**
5. **VAISAKH T.A, AGED 19 YEARS,
S/O K. BABURAJ, KARIPATH HOUSE, PURACHERI,
EZHILODE P.O, KANNUR DISTRICT -670 309**

**BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH**

RESPONDENT(S)/COMPLAINANT & STATE:

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
2. **THE STATION HOUSE OFFICER,
(CRIME NO.1417 OF 2014 PAYYANNUR POLICE STATION),
KANNUR DISTRICT -670 307**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

B.A.No.8813 of 2014

Dated this the 8th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1, 3, 2, 4 and 5 respectively in Crime No.1417/2014 of Payyannur Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 506(ii) and 308 read with Section 149 of the Indian Penal Code. It has been reported that the second petitioner herein, who is the third accused in the crime, has been arrested, detained and has been enlarged on bail, by this Court.

3. The allegation against the petitioners is that on 5.11.2014 at 12.30 p.m, they formed themselves into an unlawful assembly armed with deadly weapons like cricket stumps and iron rod and committed rioting and rioting armed with deadly weapons and attacked the de-facto complainant and beat him with iron rod

and cricket stumps, thereby causing serious injuries to the de-facto complainant and attempting to commit culpable homicide.

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

5. The contents of the C.D. *Prima facie* reveal that the investigation of this case is practically over. No criminal antecedents have been reported against petitioners 1, 3, 4 and 5. The second petitioner has already been enlarged on bail. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners 1, 3, 4 and 5, is required for the continued investigation of this case. In the absence of criminal antecedents on their part and having regard to the present stage of investigation, I am of the view that this is a fit case wherein anticipatory bail can be granted to petitioners 1, 3, 4 and 5.

6. In the result, this bail application is allowed in part and

the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge petitioners 1, 3, 4 and 5 on bail in the event of their arrest on each of them executing a bond for ₹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) Petitioners 1, 3, 4 and 5 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 15.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners 1, 3, 4 and 5 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 1, 3, 4 and 5 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 1, 3, 4 and 5 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.

As far as the second petitioner is concerned, as he has already been enlarged on bail, this Bail Application stands dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge