

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936**

**Bail Appl..No. 8975 of 2014**  
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**CRIME NO. 401/2014 OF PATHANAMTHITTA POLICE STATION.**  
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**PETITIONER/ACCUSED:**  
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**NIRMAL @ KANNAPPAN,  
S/O. JANARDHMAN, AGED 22 YEARS.  
AGT MOTOR QUARTERS, PUTHANPEDIKA,  
OMALLOOR, PATHANAMTHITTA.**

**BY ADVS.SRI.JAMES ABRAHAM (VILAYAKATTU)  
SRI.P.BALAN (VYTTILA)**

**RESPONDENT(S)/COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,  
PATHANAMTHITTA POLICE STATION.**

**BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**B.KEMAL PASHA, J.**

.....  
B.A. No.8975 OF 2014

.....  
Dated this the 6<sup>th</sup> day of January, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.401/2014 of the Pathanamthitta Police Station presently pending investigation for the offences punishable under Sections 341, 294B, 324, 427 and 307 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 05.03.2014 at 6.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like sword-stick, chopper etc. and committed rioting and rioting armed with deadly weapons. It is alleged that they obstructed the car by which the defacto

complainant was travelling, and dragged him out and attacked him, thereby causing very serious injuries to him and attempted to commit his murder. The petitioner has been in custody for the period from 06.10.2014 onwards.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the C.D.

5. The contents of the CD reveal that the investigation of this case practically over. It seems that continued detention of the petitioner in custody is not required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two

solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 13.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner 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**

ul/-

B.A.No.8975 of 2014

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[True copy]

P.S. to Judge