

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

**PRESENT:**

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

**FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936**

**Bail Appl..No. 8982 of 2014**  
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**CRIME NO. 948/2014 OF RAMAMANGALM POLICE STATION , ERNAKULAM DISTRICT**  
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**NAME AND ADDRESS OF THE PETITIONER(S)/2ND ACCUSED :**  
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**PAUL, AGED 30 YEARS,  
S/O.K.P.MATHUKUTTY, KOCHUTHOTTATHIL HOUSE,  
PAMPAKUDA P.O, ERNAKULAM DISTRICT.**

**BY ADV. SRI.C.A.MAJEED**

**NAME AND ADDRESS OF THE RESPONDENT(S)/COMPLAINANT & STATE :**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM**
- 2. STATION HOUSE OFFICER,  
POLICE STATION, RAMAMANGALAM,  
ERNAKULAM DISTRICT- 683 545.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

**B.KEMAL PASHA, J.**

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B.A. No. 8982 of 2014

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*Dated this the 9<sup>th</sup> day of January, 2015*

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2<sup>nd</sup> accused in Crime No.948 of 2014 of the Ramamangalam Police Station, registered for the offences punishable under Sections 143, 147, 148, 294(b), 341, 323, 324 and 326 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 08.11.2014 at 8 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, stone etc. and the 1<sup>st</sup> accused hit on the head of one Deepak, who is one of the friends of the defacto complainant, with a stone, thereby causing fracture of his skull and it is alleged that the petitioner beat the defacto complainant and Deepak with an iron rod. It is also alleged that the other accused slapped and stamped the defacto complainant.

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

5. It has been pointed out that the 1<sup>st</sup> accused was granted anticipatory bail by this Court through order dated 23.12.2014 in B.A.No.8879 of 2014. The main overt act is alleged against the 1<sup>st</sup> accused, as it was he, who had allegedly caused the fracture. When anticipatory bail has been granted to the 1<sup>st</sup> accused, there is no reason to deny such a benefit to the petitioner herein also. Considering the facts and circumstances of the case, I am of the view that anticipatory bail can be granted to the petitioner.

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

- (i) The petitioner shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Fridays and Tuesdays commencing from 16.01.2015 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

DSV/9/1/15

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*PA to Judge*