

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 9005 of 2014 ()

CRIME NO. 1034/2014 OF NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT

APPLICANT(S)/ACCUSED NOS. 1, 2 AND 4:

1. ASWIN V.K., AGED 18 YEARS,
S/O. VINODKUMAR,'SOPANAM' HOUSE,
CHELAVOOR P.O,KALANDITHAZHAM, KOZHIKODE.
2. ARJUN P., AGED 19 YEARS,
S/O. MANOJKUMAR, PAKKATH HOUSE, PALAZHI,
G.A. COLLEGE P.O., KOZHIKODE.
3. JISHNU P.,AGED 18 YEARS, S/O. ANILKUMAR,
PALARI HOUSE, EZHUTHUPALLY PARAMBU,
KALLAI P.O., KOZHIKODE.

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

B.A.No. 9005 OF 2015

Dated this the 16th day of January, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1,2 & 4 in Crime No. 1034 2014 of Nadakkavu Police Station registered for the offences punishable under Sections 143, 147, 148,341,323,324,326,308 read with Section 149 IPC.

3. The allegation against the petitioners is that they along with the other accused formed themselves into an unlawful assembly at 9.30. A.M. on 19/11/2014 in front of Chemistry lab of the Malabar Christian College, Kozhikode and wrongly restrained the de facto complainant and attacked him. It is alleged that the first accused inflicted blows on his face with a wooden reaper thereby causing the loss of one tooth and mobility to two other teeth. The allegation against the other petitioners is that they slapped and stamped the de

facto complainant.

4. Heard learned counsel for the petitioners and learned Public Prosecutor. The learned counsel for the petitioners has pointed out that a counter case has also been registered in the matter as Crime No.1037/2014 wherein the 3rd petitioner herein is the de facto complainant and he sustained grievous hurt. There is no allegation that petitioners 2 and 3 have made use of any weapon to attack the de facto complaint. Considering the seriousness of the allegations against the first petitioner, I am of the view that, he is not entitled to the discretionary relief of anticipatory bail. At the same time, considering the lesser role allegedly played by petitioners 2 and 3, I am of the view that anticipatory bail can be granted to petitioners 2 and 3.

5. 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 petitioners 2 and 3, is directed to enlarge petitioners 2 and 3 on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty

five thousand only) each 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 said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 23-01-2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The said petitioners shall make himself available for interrogation as and when required by the investigating officer.

(iv) The said 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.**

PS to Judge.

dpk

/true copy/

