

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 9023 of 2014 ()

CRIME NO. 2155/2014 OF NORTH PARAVUR POLICE STATION,ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED NO.1 TO 3,5 & 6:

1. SREEDEEP, AGED 21 YEARS,S/O. SHAJI,
THUNDIPARAMBIL HOUSE, THATHAPPILLY KARA,
KOTTUVALLY VILLAGE, NORTH PARAVUR,
ERNAKULAM DISTRICT.
2. SETHU, AGED 21 YEARS,S/O. SASIKUMAR,
CHANDUVINKADU HOUSE, THATHAPPILLY KARA,
KOTTUVALLY VILLAGE, NORTH PARAVUR,
ERNAKULAM DISTRICT.
3. VISHNULAL, AGED 20 YEARS,
S/O. KASI, VAZHAKKALA HOUSE, THATHAPPILLY KARA,
KOTTUVALLY VILLAGE, NORTH PARAVUR,
ERNAKULAM DISTRICT.
4. SUDHI, AGED 32 YEARS,S/O. SIVAN,
ARUPATHIL HOUSE, THATHAPPILLY KARA,
KOTTUVALLY VILLAGE, NORTH PARAVUR,
ERNAKULAM DISTRICT.
5. RENJU,AGED 28 YEARS, S/O. SASI,
KALARIPPOKKAM HOUSE, THATHAPPILLY KARA,
KOTTUVALLY VILLAGE, NORTH PARAVUR, ERNAKULAM DISTRICT.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/STATE/COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM-682 031.(CRIME NO. 2155/2014 OF NORTH PARAVUR
POLICE STATION, ERNAKULAM DISTRICT.)
2. STATION HOUSE OFFICER,
NORETH PARAVUR POLICE STATION,
ERNAKULAM DISTRICT-683 513
(CRIME NO. 2155/2014 OF NORTH PARAVUR POLICE STATION,
ERNAKULAM DISTRICT.)

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B. KEMAL PASHA, J.

.....
B.A. No.9023 of 2014
.....

Dated this the 5th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 and 5 and 6 in Crime No.2155/2014 of North Paravur Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324, 452 and 427 read with Section 149 IPC.

3. The allegation against the petitioners is that, on 24.11.2014 at 8 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like iron rod, and committed house trespass into the office of the *Kudumbi Seva Sangham* and attacked the *defacto complainant*. It is alleged that they voluntarily caused hurt

to the *defacto complainant* and his friends by beating them with iron rod and thereafter, they smashed the furniture in the office and destroyed the flag post of the office. It is also alleged that they have smashed and damaged the motor bike of the *defacto complainant*, thereby causing a total wrongful loss of ₹6,000/- to the *defacto complainant*.

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

5. The contents of the CD *prima facie* reveal that the investigation is practically over. No criminal antecedents have been reported against the petitioners. 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 this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners by making a provision for compensating the loss sustained to the *defacto*

complainant.

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 ₹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) Each of the petitioners shall deposit an amount of ₹1,200/- before the court below.

(ii) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(v) 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)

aks/05/02

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PA to Judge