

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 9085 of 2014

CRIME NO. 2070/2014 OF KALADY POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/6TH ACCUSED:

**VIGNESH, AGED 21 YEARS,
S/O.ASHOKAN, PULKIPARAMBIL VEEDU, VADAKKUMURI DESOM,
THANIYAM VILLAGE, THRISSUR.**

BY ADV. SRI.RAJIT

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.9085 OF 2014

.....
Dated this the 5th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the sixth accused in Crime No.2070/2014 of the Kalady Police Station, Ernakulam registered for the offences punishable under Sections 143, 147, 148, 341, 326 and 307 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 14.10.2014 at 5.15 am, they formed themselves into an unlawful assembly armed with deadly weapons, committed rioting and rioting armed with deadly weapons and attacked one Narayana Pillai, who is the father's younger brother of the defacto complainant on the

belief that the said person was one Linto, whom they were waiting for, for settling scores. Narayana Pillai sustained very serious injuries. The petitioner has been in custody for the period from 21.10.2014 onwards.

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

5. It is true that the petitioner has been involved in six other crimes, two of which are proceedings under Section 107 Cr.P.C. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that as a last chance, the petitioner can be enlarged on bail in this case also.

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 Thursdays and Mondays commencing from 08.01.2015 for a period of six months.

(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/-

[True copy]

P.S. to Judge.