

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 9186 of 2014 ()

**CRIME NO. 269/2005 OF CBCID, THIRUVANANTHAPURAM,
THIRUVANANDAPURAM**

PETITIONER/9TH ACCUSED :

**SHAJUMON, AGED 36 YEARS,
S/O. DANAM, BHAVANKULATHU VEEDU,
EDAPPALYAM RAILWAY PURAMBOKKUBHOOMI,
EDAPPALAYAM DESOM, ARYAMKAVU VILLAGE, PUNALUR TALUK,
FROM SHAJU BHAVAN, NEAR CHERUPOTTA, THAMURAN TEMPLE
CHERUPOTTA, CHITTIYOORKODE DESOM,
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.RAJESH NAIR
SRI.BIJOY CHANDRAN**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.9186 OF 2014
.....

Dated this the 7th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the ninth accused in Crime No.269/2005 of the Malayankeezhu Police Station, Thiruvananthapuram registered for the offences punishable under Sections 143, 147, 148 and 302 read with Section 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 23.05.2005 at 7.10 pm, they formed themselves into an unlawful assembly armed with deadly weapons and committed rioting and rioting armed with deadly weapons and chased deceased Ajikumar and inflicted very serious injuries on him with deadly weapons thereby intentionally causing the death of Ajikumar. The

petitioner was arrested on 23.10.2014 and thereafter he has been in custody.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that 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, 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 Wednesdays and Saturdays commencing from 14.01.2015 for a period of six months.

(ii) The petitioner shall surrender his passport before the court below, and in case he has no passport, he shall file an affidavit to that effect before the court below.

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

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

(v) 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

B.A.No. 9186 of 2014

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ul/-

[True copy]

P.S. to Judge