

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Bail Appl..No. 9224 of 2014 ()

CRIME NO. 1820/2014 OF CHERPU POLICE STATION, THRISSUR DISTRICT

APPLICANTS/ACCUSED :

- 1. JIBIN, AGED 25 YEARS
S/O.GOPALAN, KOZHICKODAN HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 2. ABHIJITH, AGED 20 YEARS
S/O.UDAYAPRASAD, THAYIL HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 3. LALSON, AGED 35 YEARS
CHAKALAPARAMBIL HOUSE, KIZHUPILLIKKARA, PAZHUVIL
THRISSUR DISTRICT.**
- 4. LENEEDHRAN, AGED 30 YEARS
S/O.CHANDRAN, CHAKKALAPARAMBIL HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 5. LENISH, AGED 20 YEARS
S/O.CHANDRAN, CHAKKALAPARAMBIL HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 6. KRISHNAPRASAD, AGED 24 YEARS
S/O.UNNIKRISHNAN, ITTIYEDATH HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 7. DINESAN, AGED 34 YEARS
S/O.KELU, PURAKKAL HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 8. PRAJEESH, AGED 26 YEARS
S/O.PRAKASAN, PANIKKASSERY HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**
- 9. JINEESH, AGED 19 YEARS
S/O.PRAKASAN, PANIKKASSERY HOUSE, KIZHUPILLIKKARA
PAZHUVIL, THRISSUR DISTRICT.**

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

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B. KEMAL PASHA, J.

.....
B.A. No.9224 2014
.....

Dated this the 12th day of February, 2015

ORDER

~~~~~

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1, 5, 2, 3, 4, 9, 6 and 7 respectively in Crime No.1820/2014 of Cherpu Police Station registered for the offences punishable under Sections 143, 144, 448, 341, 324, 326 and 354 read with Section 149 IPC.

3. The learned Public Prosecutor has reported that the 9<sup>th</sup> petitioner has not been arraigned as an accused in the crime.

4. The allegation against petitioners 1 to 8 and the other accused is that, on 20.11.2014 at 4.45 p.m., they trespassed into the veranda of the house of the *defacto complainant* and attacked her husband. It is alleged that A1 inflicted a blow on the face of the husband of the *defacto*

*complainant* with a sword like weapon and A2, A3, A7 and A9 severely beat him with iron rods as well as hockey sticks. It is alleged that the accused slapped the husband of the *defacto complainant*. When the *defacto complainant* intervened for the rescue of her husband, she also has sustained an injury on her head. When the neighbours came for their rescue, they were also beaten up.

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

6. The contents of the CD *prima facie* reveal the complicity of A1, A2, A3, A7 and A9, who are petitioners 1, 3, 4, 6 and 8 respectively. As far as the other petitioners are concerned, no specific overt acts are alleged against them apart from the fact that they were also present along with the petitioners. The investigation of this case is not over. Considering the seriousness of the allegations against petitioners 1, 3, 4, 6 and 8 and the present stage of the investigation in the matter, I am of the view that they are not

entitled to get the discretionary relief of anticipatory bail. The 9<sup>th</sup> petitioner is not arraigned as an accused so far. As far as petitioners 2, 5 and 7 are concerned, I am of the view that this is a fit case wherein anticipatory bail can be granted to them.

7. 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, 5 and 7, is directed to enlarge them 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) Petitioners 2, 5 and 7 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 19.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) Petitioners 2, 5 and 7 shall not tamper with the evidence or influence witnesses.*

*(iii) Petitioners 2, 5 and 7 shall make themselves available for interrogation as and when required by the investigating officer.*

*(iv) Petitioners 2, 5 and 7 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.

8. The learned counsel for the petitioners seeks for an opportunity to petitioners 1, 3, 4, 6 and 8 to surrender before the investigating officer and to co-operate with the investigation.

If so advised, petitioners 1, 3, 4, 6 and 8 may surrender before the investigating officer within ten days from today and in such case, the investigating officer can

interrogate them, effect recovery if any, and conduct the investigation and produce them without delay before the concerned Judicial First Class Magistrate's Court, where they can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

As far as the 9<sup>th</sup> petitioner is concerned, this bail application is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/12/02

*// True Copy //*

*PA to Judge*