**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE ASHOK MENON**

**WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942**

**Bail Appl..No.7745 OF 2020**

**CRIME NO.678/2018 OF Perambra Police Station, Kozhikode**

**PETITIONER/S:**

**PRASOON G K**
**AGED 26 YEARS**
**SON OF KUNHIRAMAN, KUNNATHUKUNI, KALLODE,**
**ERAVATTUR, PERAMBRA, KOZHIKODE**
**673525**

**BY ADVS.**
**SRI.T.G.RAJENDRAN**
**SRI.T.R.TARIN**

**RESPONDENT/S:**

**STATE OF KERALA**
**REPRESENTED BY PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM**
**682031**

**R1 BY PUBLIC PROSECUTOR**
**SRI.C.N.PRABHAKARAN SR PP**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ORDER**

**Dated this the 9th day of December 2020**

Application for regular bail under Section 439 Cr.P.C.

The applicant is the 6th accused in Crime No.678/2018 of Perambra Police Station, Kozhikode, for having allegedly committed offences punishable under Sections 143, 147, 148, 448, 427, 324 and 307 r/w Section 149 of the IPC and under Section 3 and 5 of the Explosive Substances Act.

2. The prosecution case, in brief, is that on 20.11.2018 between 11.30 p.m and 12 a.m, the applicant who as a member of an unlawful assembly consisting of 10 persons and in the prosecution of the common object of the unlawful assembly committed riot armed with deadly weapons like sword and iron rod and thereafter hurled a bomb at the house of the de facto complainant, broken the window panes and committed mischief. Thereafter

they assaulted the de facto complainant with dangerous weapons. When the de facto complainant attempted to run away, they followed and thereafter wrongfully restrained and cut injuries were inflicted with a sword on his scalp and other parts of the body, which could have proved fatal had not immediate medical attention been given to him. The main perpetrators of the crime were accused Nos.1 and 2 and they have been already arrested. The applicant was allegedly absconding and could not be apprehended and thereafter he has been apprehended on 10.11.2020 and continues to remain in custody.

3. The applicant states that he is innocent and that he has not participated in the crime. It is also submitted that he has been arrayed as an accused by virtue of Section 149 and there is no specific overt act attributed to him.

4. Heard the learned counsel for the applicant

and the learned Public Prosecutor.

5. The main perpetrators of the crime causing the injuries to the de facto complainant are accused Nos.1 and 2 and they have already been arrested. The applicant could not be arrested because he was absconding. Now he is arrested and continues in judicial custody. I find that there is no reason to incarcerate the applicant any longer. He is ready to co-operate with the investigation.

6. In the result, the bail application is allowed and the applicant is directed to be released on bail on the execution of a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like amount each to the satisfaction of the jurisdictional court and on the following conditions;

1.He shall surrender his passport before the jurisdictional court, in case he does not have

any passport, he shall file an affidavit to that effect.

2. He shall appear before the investigating officer on all Saturdays between 9 a.m and 12 noon for a period of two months or till filing of the final report whichever is earlier.

3. He shall not attempt to influence or intimidate the witnesses.

4. He shall not get involved in similar offences during the currency of the bail.

In the event of violating the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional court.

**Sd/-**

**ASHOK MENON**

**JUDGE**

SPK