

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 31ST MARCH 2010 / 10TH CHAITHRA 1932

Bail Appl..No. 1517 of 2010

CRIME NO.171 OF 2010 OF TALIPARAMBA POLICE STATION, KANNUR

PETITIONER/ACCUSED

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1. RANEESH.P.V, S/O.O.P.KUNHIRAMAN,
OTTAPURAKKAL HOUSE, AGED 22 YEARS,
STUDENT.
 2. RAJIL.P.V, S/O.O.P.KUNHIRAMAN,
OTTAPURAKKAL HOUSE, AGED 19 YEARS,STUDENT.
 3. SANESH.P, S/O.BALAKRISHNAN.C,
CHENNICHERI HOUSE, 18 YEARS,STUDENT.
 4. AKHILESH.O.P,S/O.O.P.KUNHIRAMAN,
OTTUPURAKKAL HOUSE,18 YEARS,STUDENT.
 5. UMESH.C, S/O.PADMANABHAN.K,
CHALLIIL HOUSE,19 YEARS,STUDENT.
 6. VIPIN.C.V, S/O.BALAKRISHNAN.P,
17 YEARS, STUDENT
 7. PRASANTH.V, S/O.KELOTH, KUNHIRAMAN,
VARAYAMBATH HOUSE, 24 YEARS,COOLIE WORKER.
 8. RANJITH.K,S/O.KUNHIRAMAN.K,
KALLORI HOUSE, 22 YEARS, COOLIE WORKER.

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT: COMPLAINANT

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

PUBLIC PROSECUTOR SRI.C.M.KAMAPPU

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 31/03/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

B.A. NO. 1517 OF 2010

Dated this the 31st day of March, 2010

ORDER

When the Bail Application came up for hearing on 24.3.2010,
the following order was passed:

“This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioners are accused Nos.1 to 8 in Crime No.171 of 2010 of Taliparamba Police Station.

2. The offences alleged against the petitioners are under Sections 143, 147, 148, 341, 323, 324, 326 and 506(ii) read with Section 149 of the Indian Penal Code.

3. The prosecution case is that on 21.2.2010, the de facto complainant was attacked by the accused. The allegation is that accused No.1 had beaten him with hands, which resulted in an injury noted in the wound certificate as “Traumatic perforation to the right ear drum”. Accused No.2 had punched the de facto complainant with a hitting block. It is alleged that the other accused had also beaten the de facto complainant.

4. The learned counsel for the petitioners submitted that the grievous hurt caused to the de facto complainant is not attributable to any assault with any dangerous weapon or any instrument or any other weapon of offence and therefore, Section 326 of the Indian Penal Code would not be attracted. He contended that only an offence under Section 325 of the Indian Penal Code would be attracted, which is bailable.

5. Taking into account the facts and circumstances of the case, I am of the view that before disposing of the Bail Application, an opportunity should be given to the petitioners to appear before the investigating officer. Accordingly, there will be a direction to the petitioners to appear before the investigating officer at 9 AM on 26th and 27th March, 2010.

Post on 31.3.2010.

It is submitted by the learned Public Prosecutor that the petitioners will not be arrested until further orders in connection with Crime No.171 of 2010 of Taliparamba Police Station.

The petitioners shall produce copy of this order before the investigating officer.”

2. It is submitted by the learned counsel for the petitioners as well as the learned Public Prosecutor that the direction in the order dated 24.3.2010 has been complied with by the petitioners.

3. Taking into account the facts and circumstances of the case, the nature of the offence and also taking note of the fact that the direction in the order dated 24.3.2010 has been complied with by the petitioners, I am of the view that anticipatory bail can be granted to the petitioners. There will be a direction that in the event of the arrest of the petitioners, the officer in charge of the police station shall release them on bail on their executing bond for Rs.15,000/- each with two solvent sureties for the like amount to the satisfaction of the officer concerned, subject to the following conditions:

- a) The petitioners shall report before the investigating officer between 9 A.M. and 11 A.M. on alternate Mondays, till the final report is filed or until further orders;
- b) The petitioners shall appear before the investigating officer for interrogation as and when required;
- c) The petitioners shall not try to influence the prosecution witnesses or tamper with the evidence;

- d) The petitioners shall not commit any offence or indulge in any prejudicial activity while on bail;
- e) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed to the extent indicated above.

(K.T.SANKARAN)
Judge

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