

(2020) 11 KL CK 0103
In the High Court Of Kerala
Case No : Bail Application No. 7481 Of 2020

Namjith P B And Anr

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 24-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 143, 144, 147, 149, 323, 324, 326, 341

Citation : (2020) 11 KL CK 0103

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : Sanjana Rachel Jose, P.K. Varghese, C.N. Prabhakaran

Final Decision : Allowed

Judgement

1. Applicants are accused Nos. 3 and 4 in Crime No.1391 of 2020 of Irinjalakuda Police Station, Thrissur, for having allegedly committed offences

punishable under Sections 143, 144, 147, 341, 323, 324, 326 read with Section 149 of the IPC. The prosecution case, in brief, is this:

2. On 11.10.2020, at about 10.30 PM, owing to the previous enmity towards the defacto complainant, they formed an unlawful assembly and in the

prosecution of the common object of the said unlawful assembly, they wrongfully restrained the defacto complainant and attacked him by means of

dangerous weapons like iron rod wielded by the 1st accused, and caused grievous hurt to him. The defacto complainant sustained a fracture to his leg.

The other accused had slapped him and hit him with hands. The applicants were arrested on 15.10.2020 and continue in judicial custody. It is prayed

that there is nothing to be recovered from them. They have already been interrogated.

And, therefore they may be released on bail.

3. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor. The learned Public Prosecutor has pointed out that both the applicants have criminal antecedents. The other co-accused also have criminal antecedents. And, therefore, in case, they are released on bail, there is every possibility that they may get involved in offences of similar nature. The learned counsel appearing for the applicants submits that the co-accused have been released on bail already. They also have criminal antecedents. The applicants have criminal antecedents pertaining to only minor offences and there is no possibility of their absconding or committing offences of similar nature. They are willing to abide by any conditions that the court may impose.

4. After having heard the submissions on both sides and on perusal of the records available, I find that further incarceration of the applicants, in this case, may not be essential.

5. In the result, the application is allowed and the applicants are directed to be released on bail on the execution of bonds for Rs.50,000/-(Rupees Fifty thousand only), each with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following further conditions:

- (i) They shall appear before the Investigating Officer as and when called for.
- (ii) They shall not intimidate or influence witnesses and tamper with evidence.
- (iii) They shall not get involved in similar offences during the currency of the bail period.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

The bail application is allowed.