

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF DECEMBER 2013/3RD POUSHA, 1935

Bail Appl..No. 8347 of 2013 ()

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AGAINST THE ORDER IN SC 1271/2004 of I ADL.SESIONS JUDGE, TRIVANDRUM  
DATED 02-12-2013

CRIME NO. 105/2001 OF THUMBA POLICE STATION, THIRUVANANDAPURAM

PETITIONER/5TH ACCUSED:

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RAJAN, AGED 45 YEARS  
S/O MARIYAN, THYVILAKOM VEEDU, TC 8/593  
NEAR VALIAYAVELI PALLI, KOOLU MURI, ATTIPARA VILLAGE  
THIRUVANANTHAPURAM

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENT/COMPLAINANT:

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

BY SRI.SREEJITH V.C, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-12-2013,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RKC

**B. KEMAL PASHA, J.**

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B.A. No. 8347 of 2013 - E  
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Dated this the 24<sup>th</sup> day of December, 2013

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 5<sup>th</sup> accused in S.C No.1271 of 2004 of the 1<sup>st</sup> Additional Sessions Court, Thiruvananthapuram, for the offences punishable under Sections 143, 147, 148, 341 and 302 read with Section 149 of the Indian Penal Code.

3. The petitioner was absconding. The case against him was split up and entered in the long pending register. Later, he was arrested on 16.9.2009 and enlarged on bail on 18.9.2009. It seems that again he has absconded and a non bailable warrant was issued on 18.7.2013. It is seen that he has been arrested and produced on 12.11.2013.

4. Heard the learned counsel for the petitioner and

the learned Public Prosecutor. According to the learned counsel for the petitioner, the petitioner was employed abroad and therefore, he had to leave the country, and that was why he could not appear before court on the previous occasions. Whatever it is, it seems that the trial has been delayed. Considering the facts and circumstances of the case, I am of the view that the petitioner can be enlarged on bail again by assuring his availability for trial before the court below, on conditions.

5. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹50,000/-(Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the court below, and at least one of such sureties shall produce solvency certificate or cash security for ₹50,000/-(Rupees fifty thousand only) by way of deposit before the court below, and subject to the following terms and conditions:-

(1) The petitioner shall appear before the court below on all the posting dates of the case.

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

(3) The petitioner shall not involve in any offence while on bail.

(4) The petitioner shall surrender his original passport before the learned Additional Sessions Judge.

It is made clear that the violation of any of the conditions stipulated above, will result in the cancellation of bail.

**B.KEMAL PASHA, JUDGE**

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