

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Bail Appl..No. 2070 of 2015 ()

(CRIME NO.RC1(S)/2013 OF C.B.I/SCB/TVPM).

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PETITIONER/ACCUSED NO.6:

**SANTHOSH KUMAR, S/O. ANANDAN,
AGED 43 YEARS, SANTHOSH BHAVAN,
MANGALAM NAGAR, MOONNAMKUTTY,
NOW RESIDING AT FLAT NO.8,
WEST GATE TERRACE, 1A, THEVARA,
COCHIN.**

**BY ADVS.SRI.BABU S. NAIR,
SMT.SMITHA BABU,
SRI.P.A.RAJESH,
SRI.K.RAKESH,
SRI.R.RANJITH,
SMT.M.LISHA.**

RESPONDENTS/COMPLAINANT:

- 1. CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE INSPECTOR OF POLICE, C.B.I-S.C.B.,
THIRUVANANTHAPURAM, PIN:695 001.**

BY ADV. SRI.P.CHANDRASEKHARA PILLAI, SC, CBI.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

Bail Appl. No.2070 of 2015

Dated this the 11th day of June 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. The petitioner is alleged to have committed the offences under Sec.120B, 302 and 201 read with Sec.34 of Indian Penal Code. The petitioner along with the co-accused is said to have committed murder of one Rajesh @ Happy Rajesh who was an accused in an attempt to murder case.

3. Heard both sides.

4. Learned counsel submits that all the co-accused have been granted bail and there will be delay in disposal of this case in the trial court.

5. Learned Chief Judicial Magistrate has sent a report to the effect that the case has already been committed. It is true that in the nature of the case it may take some more time to dispose it of. That is not a ground to grant the petitioner bail especially in view of the decision of the Honourable Supreme Court in **Kalyan**

Chandra Sarkar Vs. Rajesh Ranjan alias Pappu Yadav and another [AIR 2004 SC 1866] that in cases involving grave offences delay alone cannot be a ground to grant bail.

6. Learned counsel submits that the petitioner has been denied bail only for the reason that he is involved in other criminal cases which according to him are of very minor nature.

7. I cannot examine the correctness of the order the learned Judge who disposed of the earlier bail application. It is sufficient that a direction is issued to the Sessions Court to dispose of the case without delay.

In the result, the bail application is dismissed. The learned Sessions Judge shall try to dispose of the case without delay. If there is any inordinate delay in disposal of the case the petitioner may move the Sessions Court itself for bail.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge