

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

**TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937**

**Bail Appl..No. 2214 of 2015 ()**

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**CRIME NO. 248/2015 OF CHATHANNOOR POLICE STATION, KOLLAM DISTRICT.**

**.....**

**PETITIONERS/ACCUSED NOS.8 AND 13:**

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- 1. RAHUL, AGED 22 YEARS,  
S/O. RAJU, THEKKUVILA THEKKATHIL VEEDU,  
MELEMUKKU, IDANADU, VARINJAM CHERI,  
IDANADU, MEENAD VILLAGE, KOLLAM DISTRICT.**
- 2. BINU V., AGED 23 YEARS,  
S/O. VIJAYAN, VIJI VILASOM, VARINJAM,  
IDANAD P.O., CHATHANNOOR.**

**BY ADV. SRI.M.T.SURESHKUMAR.**

**RESPONDENT/COMPLAINANT:**

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

**BY SR. PUBLIC PROSECUTOR SRI.C. RASHEED.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**K. RAMAKRISHNAN, J.**

.....  
B.ANo.2214 of 2015  
.....

Dated this the 5<sup>th</sup> day of May, 2015.

**O R D E R**

Accused Nos.8 and 13 in Crime No.248/2015 of Chathannoor police station have filed this application for regular bail under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 12.2.2015 at 00.3 hours, the accused persons formed themselves into an unlawful assembly with deadly weapons with a common object of murdering one Ani inflicted injuries on him and when the defacto complainant interfered, with an intention to murder him also, they inflicted grave injuries on him and on account of the injuries sustained, Ani died later and thereby all of them have committed the offences punishable under sections 143, 147, 148, 341, 307 and 302 read with section 149 of the Indian Penal Code.

3. Heard the learned counsel for the petitioners, Sri. Suresh Kumar and the learned Public Prosecutor, Sri.C. Rasheed.

4. The learned counsel for the petitioners submitted that

the petitioners have not committed any offence and they are innocent of the same and they have been falsely implicated in the case. They were arrested on 23.2.2015 and 11.3.2015 respectively and they are in jail from that day onwards. Their custody is not required any more in connection with the investigation.

5. The application was opposed by the Public Prosecutor on the ground that investigation is not over and other accused persons are yet to be arrested.

6. It is seen from the report of the investigating officer that the above case was registered on the basis of the statement given by the defacto complainant alleging commission of the above said offences. It is seen from the records that there are 16 accused involved in the case, out of which, 8 persons namely A2, A4, A5, A7,A8, A9, A11 and A13 were arrested and other accused persons are absconding. It is seen from the report that accused 7 and 8 filed application for bail and as per Annexure-I order, the 7<sup>th</sup> accused alone was granted bail. Accused 5, 9 and 11 were granted bail by the sessions court. The only reason for not granting bail to the 8<sup>th</sup> accused by this Court when he applied for bail along with the 7<sup>th</sup> accused was

that it was he who had taken the deceased in an ambulance to the hospital and while in the vehicle, he attacked him also and he is the 1<sup>st</sup> accused in two other crimes also. It is fairly conceded by the Public Prosecutor that he was granted bail in other two crimes. The allegation against the 13<sup>th</sup> accused is not at all grave. Merely because other accused persons are not arrested is not a ground for denying bail to the petitioners as well as it is not known as to how much time will be required for tracing out the absconding persons and to complete the investigation and for filing final report. So considering the circumstances, this Court feels that bail can be granted to the petitioners with stringent conditions. So, the application is allowed with the following conditions.

i. The petitioners shall be released on bail on executing a bond for Rs.1,00,000/- each with two solvent sureties for the like sum each to the satisfaction of the Judicial First Magistrate Court concerned.

ii. The petitioners shall appear before the investigating officer on all Mondays and Thursdays between 9 a.m and 10 a.m for a period of three months and thereafter on the last Saturday of every month between the same timings till the

final report is filed.

iii. The petitioners shall appear before the investigating officer for the purpose of interrogation in connection with the above crime as and when required in writing to do so till the final report is filed.

iv. The petitioners shall not intimidate or influence the witnesses.

v. The petitioners shall surrender their passport, if any, before the concerned magistrate within one week from the date of release or if they are not having any passport, file an affidavit to that effect before the court within that time.

vi. The petitioners shall not leave Kollam district without getting prior permission either from the concerned Magistrate or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

**Sd/-**

**K. RAMAKRISHNAN, JUDGE.**

/true copy/

P.S to Judge

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