

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. 2347 of 2015

**CRIME NO. 1048 OF 2014 OF KASARAGOD POLICE STATION,
KASARGOD DISTRICT**

PETITIONER(S)/ACCUSED NO.17 :

**SANJEETH KUMAR K.@ SANJU, AGED 19 YEARS,
S/O.CHANDRASHEKHARA K., THALIPPADAUPPU HOUSE,
ADUKKATHBAYAL, KASABA VILLAGE, KASARAGOD,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE AND COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1048 OF 2014 OF KASARAGOD
POLICE STATION) KASARAGOD DISTRICT-671 121.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

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

Msd.

K. RAMAKRISHNAN, J.

B.A. No.2347 of 2015

Dated this the 5th day of May, 2015

ORDER

Accused No.17 in Crime No.1048/2014 of Kasaragod Police Station has filed this application for regular bail under Section 439 of Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 22.12.2014 at 9.45 pm, the accused persons 1 to 5 formed themselves in an unlawful assembly after hatching conspiracy to murder Abid who cause hatredness among two community people and criminally trespassed into the shop-room, wrongly restrained him and stabbed him and later he succumbed to the injuries and thereafter the persons who committed the crime were harboured at the instance of the other accused persons concealing the information regarding the commission of the offence and thereby all of them have committed the offence punishable under Section 143, 147, 148, 341, 449, 120(B), 153 (A), 302 and 212 read with 149 of Indian Penal Code.

3. Heard the learned counsel for the petitioner Sri K.P.Harish and the learned Public Prosecutor Smt.S. Hyma

and perused the report of the investigating officer.

4. The above crime was registered on the basis of the statement given by the defacto complainant originally against five identifiable persons as crime No.1048/2014 of Kasaragod Police Station alleging offences under Sections 143, 147, 148, 452, 341 and 302 read with Section 149 of Indian Penal Code. During investigation, it was revealed that the incident occurred due to the conspiracy hatched between the accused persons 1 to 5 and others and some other persons were also involved in the commission of the crime including harbouring the persons who committed the crime and destroying the evidence so as to help the persons who committed the crime from the consequences of the crime committed by them and so 17 persons were arrayed as accused including the present petitioner and adding offences under Sections 449, 120(B), 202, 212 and 153(A) of Indian Penal Code as well. The present petitioner was arrested on 28.03.2015. It is seen from the report the accused Nos. 1 to 6, 15, 16, 8, 9 to 11, 12 to 14 and 17 (the present petitioner) were arrested and others were absconding. It is also seen from the report that the 13th accused was released on bail as per order in BA No.455/2015, accused Nos. 10, 12 and 14 were released on

bail as per order in BA No.841/2015 and Accused Nos. 1 to 6, 15, 16, 9 and 11 were also released on bail. Other 4 accused are absconding according to the report of the investigating officer. Since majority of the accused persons who were arrested were released on bail by this Court, Sessions Court and also by the learned Magistrate by granting statutory bail, this Court feels that the custody of the petitioner is not required no more in connection with the investigation and he can also be granted bail. Further, they have no case that the petitioner has got any criminal background as well. There is no specific overtact alleged against the present petitioner regarding the murder of the deceased but the allegation was that he is also part of the conspiracy and protecting the accused persons who committed the crime. So under the circumstances, this Court feels that bail can be granted to the petitioner with some stringent conditions.

The application is allowed with the following conditions.

1. The petitioner shall be released on bail on his executing bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Judicial First Class Magistrate Court - I, Kasaragod.
2. The petitioner shall appear before the

Investigating Officer on all Saturdays between 9.00 a.m and 10.00 a.m for a period of two months and thereafter on last Saturday of every month between the same time till final report is filed.

3. The petitioner shall appear before the Investigating Officer for the purpose of interrogation as and when required in connection with the above crime in writing to do so till final report is filed.

4. The petitioner shall not intimidate or influence the witnesses.

5. The petitioner shall not leave Kasaragod District without getting prior permission either from the Judicial First Class Magistrate Court - I, Kasaragod or from the Court to which, the case will be committed for trial till the disposal of the case.

6. The petitioner shall surrender their passport if any, before the Judicial First Class Magistrate - I, Kasaragod within one week from the date of release and if he do not have any passport, file an affidavit to that effect.

With the above conditions, this application is allowed.

**K. RAMAKRISHNAN,
JUDGE**