

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2487 of 2015 ()

CRIME NO. 1271/2014 OF UDAYAMPEROOR POLICE STATION,ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**BINURAJ, AGED 30 YEARS,S/O.RAJU,
MUNDASSERIL HOUSE, MEENKADAVUBAGAM,
UDAYAMPEROOR.**

BY ADV. SRI.P.V.ANILKUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY C.I. OF POLICE,
HILL PALACE POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P. UBAID, J.

Bail Appl. No.2487 of 2015

Dated this the 8th day of May 2015

O R D E R

The petitioner herein is the sole accused in Crime No.1271 of 2014 of the Udayamperor Police station involving offence punishable under Sec.302 of the Indian Penal Code.

2. The prosecution case is that, out of despair in love he committed murder of a girl aged 17½ years on 18.12.2014. He thought of putting an end to her life when the girl declined his request to marry him. He was arrested by the Police on 18.12.2014 and has been in custody since then. His request for bail was disallowed by the learned Sessions Judge, Ernakulam on two occasions. Now he is before this Court, seeking bail under Sec.439 of the Code of Criminal Procedure.

3. This application is opposed by the learned Public Prosecutor on the ground, that if released, the petitioner will influence or intimidate the material witnesses, and will thereby obstruct the trial. It is submitted that the police has already submitted final

report on 16.03.2015.

4. On hearing both sides and on a perusal of the materials, I find it not safe and proper to release him on bail at this stage. His request will be considered by the Trial Court at the appropriate stage when the trial proceeds, and if the Trial Court finds that smooth trial would not be obstructed by the petitioner, the question of releasing him on appropriate conditions can be decided by the Trial Court. Presently it is really unsafe to release him on bail.

In the result this application for bail is dismissed. The question of bail will be later considered by the Trial Court when the trial proceeds.

Sd/-
P. UBAID
JUDGE

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P.A.To Judge