

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 3953 of 2015 ()

CRIME NO.302/2015 OF CHERPU POLICE STATION, THRISSUR DISTRICT.

.....

APPLICANTS/ACCUSED NOS. 1 TO 10:

1. RISHIKESH, AGED 24 YEARS,
S/O S.M. SURESH, MAROTTIKKAL HOUSE,
PERINGATTUKARA, SAHODARAVEEDHI,
THANNIAM DESOM, THRISSUR DISTRICT.
2. NIJIN @ KUNJAPPU, AGED 19 YEARS,
S/O UDAYAN, KOTTALA HOUSE,
MUTTICHOOR DESOM, PADIYAM VILLAGE.
3. PRASANTH @ KOCHU, AGED 25 YEARS,
S/O PRABHAKARAN, KECHATH HOUSE,
KANDASSANKADAVU, THANAPADAM,
THEKKEKARA DESOM, KARAMUKKU VILLAGE.
4. RASANTH, AGED 23 YEARS,
S/O RAVI, PLAKKIL HOUSE, POOKODE VILLAGE,
KOTTAPPADI, PILLAKKAD DESOM.
5. BRASHNEV, AGED 23 YEARS,
S/O PEETHAMBARAN, VALAPARAMBIL HOUSE,
THANNIYAM VILLAGE, PERINGOTTUKARA,
KARAVAMKULAM DESOM.
6. SIVADASAN @ SIVAN, AGED 43 YEARS,
S/O SABHRAMANIADAS, THARAYIL HOUSE,
PERINGOTTUKARA, MUTHEDATHARA DESOM,
THANNIYAM VILLAGE.
7. RAGESH @ MAMMADI, AGED 36 YEARS,
S/O RAMACHANDRAN, MAMBULLY HOUSE,
MUTTICHUR DESOM, PADIYAM VILLAGE.
8. BAIJU. K.S., AGED 21 YEARS,
S/O SUNNY, KURUTHUKULANGARA, KOOLA HOUSE,
CHAZHOOR, S.N. ROAD DESOM, CHAZHOOR VILAGE.
9. SAMANDH, AGED 49 YEARS,
S/O PRADEEP, KARAYIL HOUSE, PERINGOTTUKARA,
KIZHAKKUMMURI, THRISSUR.

Bail Appl..No. 3953 of 2015

**10. SARASAN. V.B., AGED 43 YEARS,
S/O BALAN, VIYYATH HOUSE, KARANCHIRA,
MANAYAM DESOM, KATTOOR VILLAGE.**

**BY SRI.P.VIJAYA BHANU, SENIOR ADVOCATE.
ADVS. SRI.M.REVIKRISHNAN,
SRI.VIPIN NARAYAN.**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.3953 of 2015

Dated this the 29th day of July, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 120B, 201, 324, 326, 307, 302 read with Section 34 of Indian Penal Code.

3. The prosecution case is that on account of political enmity they stabbed the victim to death and assaulted two others with a sharp edged weapons causing them serious injuries.

4. Heard.

5. The petitioners 1 to 8 and 10 have been in custody since 27.03.2015 and the 9th petitioner has been in custody since 30.05.2015. Final report has already been filed and the learned Magistrate has taken the case on his file as CP.No.22 of 2015.

6. The learned senior counsel submits that as investigation is over the petitioners may be granted bail. On the other hand, the learned Public Prosecutor submits that several cases have been registered against almost all

the petitioners and releasing them bail will have an adverse affect on the society itself as the murder was committed on account of political enmity. It is also the submission of the learned senior counsel that petitioners 5 to 10 were not charged with having committed the offence under Section 302 initially and the only accusation was that they had destroyed the evidence. But the investigation revealed that they were part of the conspiracy. The fact that they joined a gang which had no hesitation to commit murder on account of political enmity cannot be ignored. The circumstances and the facts of the case and the antecedents of the petitioners compel me not to grant bail to the petitioners at this stage.

In the result, this application is dismissed.

The learned Magistrate shall try to commit the case without delay and the trial court shall try to dispose of the case without delay.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge