

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 4490 of 2015

**CRIME NO. 1755/2014 OF KALAMASSERY POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER(S)/2ND ACCUSED :

**ELDHO MATHAI, AGED 37 YEARS,
S/O.MATHAI, MUTTUVANCHERI HOUSE, KIZHAKKAMBALAM P.O.,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.P.S.ABDUL KAREEM

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

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 4490 of 2015

Dated this the 5th day of August, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No. 1755 of 2014 of Kalamassery Police Station, registered for the offences under Sections 143, 147, 148, 109, 341, 323, 324, 326, 302 read with Section 149 of the Indian Penal Code.

3. Final report was filed and the case was taken on the file of the learned Magistrate as C.P. No. 4 of 2015. The case was committed. It is submitted that as there were some mistakes in the committal proceedings, the learned Sessions Judge has returned the proceedings to the learned Magistrate. Learned counsel for the petitioner submits that the petitioner has been in custody since 07.11.2014 and he may be released on bail as it is not possible to conclude the trial in the immediate future.

4. Heard.

5. The Supreme Court has held that mere delay in disposal of a case is not a ground to grant bail to an accused

involved in very serious offences like murder. It appears that the records will be sent to the Sessions Judge without delay from the court of the learned Magistrate and the Sessions Judge can dispose of the case without further delay. I do not think that this is a proper case to grant bail even though the final report has been filed.

In the result, this application is dismissed. Learned Magistrate is directed to send the records to the trial court without further delay. The trial court shall try to dispose of the case at the earliest.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge