

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Bail Appl..No. 5086 of 2015 ()

CRIME NO. 104/2015 OF MAVELIKKARA POLICE STATION, ALAPPUZHA

PETITIONER(S)/ACCUSED :-

SHIBU, AGED 31 YEARS
S/O.XAVIER, RESIDING ON RENT AT KAVINTE PADEETTATHIL
(SANTHI BHAVANAM), ERUVA EAST MURI, PATHIYOOR VILLAGE
(FROM KAIPPALLIL VEEDU, KANNAMANGALAM SOUTH
KANNAMANGALAM VILLAGE, ALAPPUZHA DISTRICT)

BY ADV. SMT.V.P.SATHI

RESPONDENT(S)/COMPLAINANT :-

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED (Sr.)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

SUNIL THOMAS, J.

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**B.A. No.5086 of 2015**  
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Dated this the 25th day of August 2015

ORDER

The 4th accused in Crime No.104 of 2015 of Mavelikkara Police Station for offences punishable under Sections 447, 323, 506(ii), 452 and 302 r/w 34 IPC is the petitioner herein. The prosecution alleges that on 23.1.2015 at about 6.30 p.m., accused Nos.1 to 3 trespassed into the house of the deceased, attacked him and caused his murder. The 4th accused, who allegedly came to the scene had also allegedly committed certain overt acts. Pursuant to the crime registered, the 4th accused was arrested on 6.2.2015. The bail applications filed by all the accused were dismissed by the court below. The 4th accused alone has approached this Court seeking bail.

2. Heard and examined the records.

3. It is seen from the records that after investigation, the final report has been laid before the court below. The first and second accused were not granted bail essentially on the ground that they are involved in other crimes. On going through the available materials, the 4th accused, who is the petitioner herein appears to stand on a different footing, there is no specific very

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serious overt act alleged against the petitioner herein, which directly led to the death of the deceased. Further, he is earlier involved only in a dispute inter se with the family of the deceased, which essentially appears to have arisen from some family dispute.

4. Considering this fact and the further fact that the investigation has completed and laid down the charge, I am inclined to grant bail to the petitioner, subject to the following conditions :-

- (1) The petitioner shall execute a bond for a sum of ₹50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each to the satisfaction of the Additional Sessions Court, Mavelikkara, where S.C.No.404 of 2015 is pending.
- (2) The petitioner shall not leave the jurisdiction of Mavelikkara Court without express order of the jurisdictional court, for a period of three months from today.

Sd/-
SUNIL THOMAS
JUDGE