

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7536 of 2015

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

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

**BY ADVS.SRI.R.T.PRADEEP
ADV.SRI.SABU SREEDHARAN
SMT.M.BINDUDAS**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7536 of 2015

Dated this the 17th day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the sole accused in Crime No.1271 of 2014 of Udayamperoor Police Station registered for offences punishable under Sections 449 and 302 of the Indian Penal Code. The matter is pending as S.C.No.521 of 2015 before the Additional Sessions Judge-VII, Ernakulam.

3. Allegation is that the petitioner committed murder of a girl aged 17 ½ years on 18.12.2014. She was hacked to death as she declined the request of the accused to marry him. Petitioner was arrested on 18.12.2014. His successive applications for bail were dismissed by this Court.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application.

6. This Court called for a report from the Additional Sessions Judge. It is mentioned in the report that the matter was posted on 09.12.2015 for preliminary hearing. The Additional Sessions Judge requested six months time for completion of the trial.

7. Learned counsel for the petitioner submitted that the petitioner is incarcerated in jail without any justification.

Considering the facts and circumstances, bail is granted to the petitioner with following strict conditions:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Additional Sessions Judge having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the court on all posting dates without fail.

iv. He shall not enter the limits of Ernakulam District except for the purpose of appearing before the court.

v. He shall furnish his new address and phone number to the investigating officer.

vi. He shall surrender his passport, if any forthwith. If he does not have a passport, he shall swear to an affidavit to that effect and submit it before the trial court.

vii. Petitioner shall not indulge in any offence while on bail.

viii. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court. The court below shall try and dispose of the case within a period of six months from today.

A. HARIPRASAD, JUDGE.

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