

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937**

**Bail Appl..No. 7882 of 2015**  
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**CRIME NO. 1026/2015 OF PALODE POLICE STATION , THIRUVANANTHAPURAM**  
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**APPLICANTS(S)/ACCUSED :**  
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- 1. SHAJAHAN, AGED 45 YEARS,  
S/O.ABDUL MAJEED, SIVAMANI VEEDU, T.C 43/551,  
MANNARA, ARYANKUZHY, KAMALESWARAM,  
MUTTATHARA VILLAGE (FROM PUTHUVAL PUTHEN VEEDU,  
T.C 46/1186, MANACAUD WARD, MUTTATHARA VILLAGE).**
- 2. SEEMA WILFRED, AGED 36 YEARS,  
D/O.JYOTHSINI, RENTED AT SIVAMANI VEEDU, T.C 43/551,  
MANNARA, ARYANKUZHY, KAMALESWARAM,  
MUTTATHARA VILLAGE (FROM AKASH BHAVAN, ILAVATTOM,  
ANADUMURI, KURUPUZHA VILLAGE).**
- 3. MUHAMMED SUBAIR, AGED 38 YEARS,  
S/O. SHAMSUDEEN VEEDU, T.C 45/560  
NEAR BADAIYAM MADRASA, BEEMAPALLI MILK COLONY,  
MUTTATHARA VILLAGE.**

**BY ADVS.SRI.TONY THOMAS (INCHIPARAMBIL)  
SRI.P.THOMAS GEEVERGHESE**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
REPRESENTING THE S.I OF POLICE,  
PALODE POLICE STATION, THIRUVANANTHAPURAM DISTRICT.**

**BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A.HARIPRASAD, J.**

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**B.A.No.7882 of 2015**  
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Dated this the 15<sup>th</sup> day of December, 2015

**ORDER**

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1026 of 2015 of Palode Police Station registered for the offences punishable under Sections 120(b), 364 and 302 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the accused persons conspired together on 27.09.2015 and between 02.00 p.m. and 03.00 p.m., they committed murder of one Mohanan Nair. It is alleged that the second accused was having illicit connection with the deceased. Later, she developed intimacy with the first accused and all the accused persons are directly responsible for the murder of Mohanan Nair.

4. Heard both sides.

5. Learned Public Prosecutor opposed the bail application.

6. Learned counsel for the petitioners submitted that all the accused were arrested on 09.10.2015.

7. Considering the nature of allegations, stage of investigation and the period of detention, I am inclined to grant bail to the petitioners with the following strict conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioners shall surrender their passport

forthwith before the learned Magistrate. If they do not have a passport, they shall file an affidavit to that effect.

- (e) The petitioners shall not leave the limits of Thiruvananthapuram District without the permission of the Magistrate having jurisdiction.
- (f) The petitioners shall not intimidate or attempt to influence the witnesses.
- (g) The petitioners shall not in any manner interfere or meddle with the investigation.
- (h) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

AS

Sd/-  
**A.HARIPRASAD, JUDGE.**  
/True Copy/

P.A. To Judge