

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 21<sup>ST</sup> DAY OF FEBRUARY 2022 / 2ND PHALGUNA, 1943

BAIL APPL. NO. 9446 OF 2021

CRIME NO.2508/2021 OF Kothamangalam Police Station, Ernakulam  
AGAINST THE ORDER IN CRMC 2445/2021 OF II ADDL. DISTRICT COURT,  
ERNAKULAM

**PETITIONER:**

ELDHOSE  
AGED 27 YEARS, S/O. P.M.JOY, PUTHANPURACKAL HOUSE,  
SOCIETYPPADY BHAGAM, MALIPPARA KARA, PINDIMANA VILLAGE  
NOW RESIDING IN THE RENTED HOUSE OF VARGHESE AT  
PUTHUKKAYIL HOUSE, CHENKARA MUDIYARA BHAGAM, MALIPPARA  
KARA, PINDIMANA VILLAGE, KOTHAMANGALAM, ERNAKULAM  
DISTRICT.

BY ADVS.  
ROY THOMAS (MUVATTUPUZHA)  
ABU MATHEW  
AJU MATHEW

**RESPONDENT:**

- 1 STATE OF KERALA  
THROUGH INSPECTOR OF POLICE, KOTHAMANGALAM POLICE  
STATION, ERNAKULAM DISTRICT, REPRESENTED BY THE PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682  
031.
- 2 ADDL R2. SAJI PAUL  
AGED 48 YEARS, S/O PAULOSE, NIRAVATHUKANDATHIL HOUSE,  
CHELAD POST, KOTHAMANGALAM, PIN-686681. (IS SUO MOTU  
IMPLEADED AS ADDL. R2 AS PER ORDER DATED 10.001.2022 IN  
BA NO. 9446/2021)

BY ADVS.  
SHRI.P.NARAYANAN, ADDL.PUBLIC PROSECUTOR  
DIRECTOR GENERAL OF PROSECUTION  
ADDL.DIRECTOR GENERAL OF PROSECUTION

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
21.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER**

The petitioner is the accused in Crime No.2508/2021 of Kothamangalam Police Station, Ernakulam District alleging commission of offences under Sections 326, 302, 201 and 34 of the Indian Penal Code.

2. The allegation against the petitioner is that the petitioner had borrowed money from the deceased and on 10-10-2021 the petitioner had called the deceased and required him to come to his house for the purpose of collecting the money lent by the deceased to the petitioner. It is alleged that when the deceased arrived at the house of the petitioner he was brutally attacked, as a result of which he succumbed to his injuries. Thereafter the petitioner together with the 2<sup>nd</sup> accused in the case (father of the petitioner) allegedly took the body of the deceased on the scooter of the deceased and dumped the body and the scooter in a nearby canal.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter. It is submitted that the deceased had actually attempted to attack the petitioner and his parents and this was only prevented by the petitioner. It is submitted that the petitioner has been in custody from 14-10-2021 and his continued detention is not required for the purposes of any investigation as the final report has already been filed in the matter. It is submitted that the petitioner has no criminal antecedents. It is submitted that the petitioner is aged only 27 years and this is not a case where the custodial trial of the petitioner is warranted.

4. The learned Public Prosecutor and the learned counsel appearing for the *de facto* complainant (brother of the deceased) would submit that the petitioner is not entitled to bail. The manner and method of commission of offence and the fact that the petitioner with the 2<sup>nd</sup> accused had dumped the body of the deceased in a canal are pointed out to show that the killing of the deceased was not an accident. It is submitted that considering the brutal nature of the crime the petitioner is not entitled to be released on bail. It is also pointed out that as a result of the murder of the deceased his family consisting of his wife and 3 minor children have been orphaned.

5. Having heard the learned counsel for the petitioner, learned Public Prosecutor and the learned counsel appearing for the *de facto* complainant, I am of the view that the petitioner is not entitled to be released on bail at present. I take note of the fact that the other accused in the case (parents of the petitioner) have already been granted bail. However since main allegations are against the petitioner herein, I am not inclined to grant bail, to the petitioner at his point of time.

The bail application is dismissed.

Sd/-  
**GOPINATH P.**  
**JUDGE**