

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 24TH DAY OF MARCH 2022 / 3RD CHAITHRA, 1944

BAIL APPL. NO. 1905 OF 2022

Crime No.331/2022 of Sasthamcotta Police Station

PETITIONERS/ACCUSED 1 to 5:

- 1 MIJJUAL
AGED 18 YEARS, S/O.KALESH
AMRITHA VIHAR, VALIYAPADAM MURI, WEST KALLADA VILLAGE,
VILANTHARA, P.O.KOLLAM-, PIN - 690521
- 2 ANIL CHANDRAN
AGED 20 YEARS S/O.SURESH CHANDRAN
ULAKAMVILA VDAKKATHEIL, VILANTHARA, VALIYAPADAM MURI,
WEST KALLADA VILLAGE, VILANTHARA, P.O.KOLLAM-, PIN -
690521
- 3 ANU @ UNNI
AGED 20 YEARS, S/O.LEKSHMANAN
ALUMVILA-THEKKATHIL VILANTHARA, VALIYAPADAM MURI, WEST
KALLADA VILLAGE, VILANTHARA, P.O.KOLLAM, PIN - 690521
- 4 ABI GOPINATH
AGED 22 YEARS S/O.GOPINATHAN PILLAI
ABI BHAVANAM, VALIYAPADAM MURI,
WEST KALLADA VILLAGE, VILANTHARA, P.O.KOLLAM.
, PIN - 690521
- 5 SREEJITH
AGED 20 YEARS, S/O.SUDHAKARAN PILLA,
PUTHUVA VALIYAPADAM MURI, WEST KALLADA VILLAGE,
VILANTHARA, P.O.KOLLAM-
, PIN - 690521
BY ADV B.MOHANLAL

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 2 THE STATION HOUSE OFFICER
SASTHAMKOTTAH POLICE STATION,
SASTHAMKOTTAH P.O., KOLLAM
, PIN - 690521

OTHER PRESENT:

SRI M C ASHI- Public Prosecutor

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
24.03.2022 ALONG WITH Bail Appln.2085/2022, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

Bail Appln.Nos.1905/2022 & 2085/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 24TH DAY OF MARCH 2022 / 3RD CHAITHRA, 1944

BAIL APPL. NO. 2085 OF 2022

Crime No.331/2022 of Sasthamcotta Police Station

PETITIONERS/ACCUSED 6 & 7:

- 1 NIKHIL RAJ @ KICHU, S/O.RAJAN
AGED 22 YEARS
NITHIN BHAVANAM, VALIYAPADAM MURI,
WEST KALLADA VILLAGE, VILANTHARA,P.O., KOLLAM
, PIN - 690521
- 2 ANANTHU, S/O.SASI
AGED 21 YEARS
AJITHA BHAVANAM, VILANTHARA, PIN - 690521

BY ADV B.MOHANLAL

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 THE STATION HOUSE OFFICER, SASTHAMKOTTAH POLICE
STATION
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031

THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 24.03.2022 ALONG WITH Bail Appln.1905/2022 THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

These are applications filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioners in Bail Appln.No.1905/2022 are the accused Nos.1 to 5 and the petitioners in Bail Appln.No.2085/2022 are the accused Nos.6 and 7 in Crime No..331/2022 of Sasthamcotta Police Station. The offences alleged are under Sections 143, 147, 148, 294(b), 323, 324, 326 and 308 read with Section 149 of the IPC.

3. The prosecution case in short is that, on 01.03.2022 at 9 pm., the accused formed themselves into an unlawful assembly armed with deadly weapons and in prosecution of the common object wrongfully restrained the de facto complainant, showered obscene words against him, caught hold of his collar and attacked him over his head with a weapon causing injuries on his head with an intention to kill him and thereby committed the offences.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted

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that the petitioners are absolutely innocent and they have been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioners and if the petitioners are released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that *prima facie* there are materials on record to connect the petitioners with the crime. However, the accused Nos.1 to 5 were arrested on 2.3.2022 and accused Nos.6 and 7 were arrested on 3.3.2022. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioners is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioners are entitled to be released on bail on conditions.

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In the result, these applications are allowed on the following conditions:-

- (i) The petitioners shall be released on bail on executing a bond for ₹1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.
- (ii) The petitioners shall fully co-operate with the investigation.
- (iii) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioners shall also appear before the investigating officer as and when required by him.
- (iv) The petitioners shall not commit any offence of like nature while on bail.
- (v) The petitioners shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or

Bail Appln.Nos.1905/2022 & 2085/2022

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influence any witnesses or other persons
related to the investigation.

(vi) The petitioners shall not leave State of Kerala
without the permission of the trial Court.

Sd/-

**DR.KAUSER EDAPPAGATH,
JUDGE**

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