

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 12TH DAY OF APRIL 2022 / 22ND CHAITHRA, 1944

BAIL APPL. NO. 2833 OF 2022

CRIME NO.53/2022 OF MALA POLICE STATION, TRISSUR

PETITIONERS/ACCUSED NO.1&2:

- 1 SOORAJ, AGED 23 YEARS, SUNIL BHAVANAM,
THAIMARVUMKARA DESOM, KUTTUR VILLAGE,
THIRUVALLA, PATHANAMTHITTA- 689101,
PIN - 689101
- 2 KARTHIK ALIAS KICHU, AGED 23 YEARS
SURABHI HOUSE, ANGADIKKAL DESOM,
ANGADIKKAL NORTH VILLAGE, KODUMUN,
ADUR, PATHANAMTHITTA- 691523,
PIN - 691523

BY ADVS.
M.R.SASITH
R.K.CHIRUTHA
NEELANJANA NAIR
RAJITHA V.K
PREETI S.
BHAVANA K.K
HARIKUMAR P.S.
P.SANTHOSHKUMAR (KARUMKULAM)
SHAMEEM S.
M.R.SARIN

RESPONDENTS:

STATE OF KERALA REP BY PUBLIC PROSECUTOR
HIGH COURT OF KERLA, ERNAKULAM,
PIN - 682031

SR.P.P - SRI.K.A.NOUSHAD

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.1 and 2 in Crime No.53/2022 of Mala Police Station, Trissur. The offences alleged against the petitioners are punishable under Sections 394 and 308 r/w Section 34 of Indian Penal Code.

3. The prosecution case is that on 12.01.2022, at 5.55 a.m., on the public road near Mandikayattam bus stop at Kakkulissery, the petitioners, with an intention to commit robbery, followed the *de facto* complainant who was riding on a scooter and beat on the back side of her head with a wooden stick and inflicted injury. When the *de facto* complainant stopped the scooter, the petitioners voluntarily caused hurt to her and committed robbery. The petitioners committed the above acts in furtherance of their common intention and with the knowledge that if they by that act caused death of the *de facto* complainant, they would be guilty of culpable homicide not amounting to murder.

4. The petitioners were arrested on 16.01.2022 and have been in judicial custody since then.

5. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

6. The learned Public Prosecutor opposed the Bail Plea of the petitioners. He submitted that the Charge Sheet has already been submitted in this case.

7. The learned counsel for the petitioners submitted that in view of the fact that Charge Sheet has already been submitted in this case, further detention of the petitioners is not required. He further submitted that the petitioners are prepared to abide by any condition to be imposed by this Court and prayed that they be released on bail.

8. Having regard to the fact that Charge Sheet has already been submitted, the petitioners are entitled to be released on bail.

In the result, this Bail Application is allowed as follows:

- (a) The petitioners shall be released on bail on their executing bond for Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) each with

two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

- (b) They shall not involve in any other offence while on bail.
- (c) They shall not try to influence the prosecution witnesses.

RR

Sd/-

K. BABU

JUDGE

APPENDIX OF BAIL APPL. 2833/2022

PETITIONER ANNEXURES

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| Annexure A1 | TRUE COPY OF THE FIR IN CRIME NO. 53/
2022 OF MALA POLICE STATION, THRISSUR,
DATED 12/01/2022 |
| Annexure A2 | TRUE COPY OF THE ORDER IN CRL.MP NO.
649/2022 IN CRIME NO. 53/ 2022 OF MALA
POLICE STATION, THRISSUR |
| Annexure A3 | TRUE COPY OF THE ORDER IN CRL.MP NO.
1439/2022 IN CRIME NO. 53/ 2022 OF MALA
POLICE STATION, THRISSUR |