

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 19<sup>TH</sup> DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

BAIL APPL. NO. 2967 OF 2022

CRIME NO.126/2022 OF NEDUMBASSERY POLICE STATION, Ernakulam

CRMC 694/2022 OF ADDITIONAL SESSIONS COURT (ADHOC)-II,

ERNAKULAM

PETITIONER/ACCUSED NO.2:

NITHIN, AGED 27 YEARS

S/O MURUKAN, CHERUKULAM HOUSE, AVANAMKODE KARA,  
NEDUMBASSERY P.O, ERNAKULAM PIN-683585., PIN -  
683585

BY ADVS.LIJIN THAMBAN

V.S.ANU MON

RESPONDENT:

STATE OF KERALA

REPRESENTED BY SHO NEDUMBASSERY POLICE  
STATIONREPRESENTED BY PUBLIC PROSECUTOR, HIGH  
COURT OF KERALA, ERNAKULAM - 682 031.,

SMT. SEETHA S. SR. PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
19.04.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

-:2:-

**O R D E R**

Dated this the 19<sup>th</sup> day of April, 2022

This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused No.2 in Crime No126/2022 of Nedumabsserry Police Station. The offences alleged are under Sections 341, 323, 324, 427, 452, 308 r/w 34 of IPC.

3. The prosecution case in short is that on 23/2/2022, at 8.30 p.m. the petitioner along with the remaining accused trespassed into the hotel viz., Khalli Walli and assaulted the de facto complainant and his father with a bottle and also with a knife with intention to kill them and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor

-:3:-

opposed the bail application. She contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of the investigation.

6. Perusal of the case diary would reveal that prima facie there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody on 24/2/2022. In view of the nature of the crime and the stage of the investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioner is entitled to be released on bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioner shall fully co-operate with the

- :4: -

investigation.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner 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 influence any witnesses or other persons related to the investigation.

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

Sd/-

**DR. KAUSER EDAPPAGATH**

**JUDGE**

**Rp**

**True copy**

P.S. To Judge