

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 28TH DAY OF SEPTEMBER 2018 / 6TH ASWINA, 1940

Bail Appl..No. 6279 of 2018

CRIME NO. 413/2018 OF IRINJALAKUDA POLICE STATION, THRISSUR

PETITIONER/11th ACCUSED:

SAGAR, AGED 26 YEARS,
S/O.SANTHOSH, KURUVATH HOUSE, THANISSERY.P.O.,
THANISSERY PAVADIPALAM DESOM, MANAVALASSERY
VILLAGE, THRISSUR DISTRICT.

BY ADVS.
SRI.P.VIJAYA BHANU (SR.)
SRI.AJEESH K.SASI
SRI.M.REVIKRISHNAN
SRI.P.M.RAFIQ
SMT.POOJA PANKAJ
SRI.V.C.SARATH
SRI.VIPIN NARAYAN

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY SR. PUBLIC PROSECUTOR SRI. C.N.PRABHAKARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28.09.2018, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This application is filed under §439 of the Cr.P.C.

2. The applicant herein is the 11th accused in Crime
No.413 of 2018 of the Irinjalakuda Police Station registered

under §§143, 147, 148, 323, 324, 326, 307, 450 and 302 r/w. §149 of the IPC.

3. The 1st accused Ranjith and one Vineeth, son of Vijayan, were on inimical terms. The accused Nos.1 to 13 hatched a conspiracy to murder Vineeth. On 27.05.2018, at about 11.15 p.m., the accused Nos.1 to 11 and 14, in pursuance of the conspiracy hatched by them, went to the house of Vineeth and knocked on the door. When Vijayan opened the door, the accused Nos.1 to 5 entered the house and they are alleged to have inflicted multiple injuries with deadly weapons. When Ambika and Kausalya, the mother and grandmother of Vineeth intervened, they were also inflicted with grievous injuries. The accused Nos.6 to 11 and 14 are alleged to have stood guard outside the house. Though Vijayan was rushed to the hospital, his life could not be saved. On the basis of information furnished by Ambika, the Crime was registered.

4. The learned counsel for the applicant submitted that when the FI Statement was initially furnished, there was no reference to the presence of the applicant herein in or anywhere near the scene of crime. It is further urged that the 8th accused, who

is similarly placed as the applicant, was granted bail by this Court by order dated 26.09.2018.

5. The learned Public Prosecutor, while opposing the prayer submitted that the murder was committed in a brutal manner and the investigation has revealed that the applicant herein along with some others were standing guard outside the house when the accused Nos. 1 to 5 inflicted the injuries on the deceased. It is pointed out that the applicant herein is a person with criminal antecedents and he is involved in four crimes registered at the Kattoor Police Station and Irinjalakkuda Police Station. Finally, it is submitted that after completion of investigation, final report was laid before the committal court and on 12.9.2018, the case has been committed to the Court of Session.

6. I have considered the submissions advanced and have gone through the final report. Insofar as the applicant herein is concerned, the allegation is that he stood guard outside the house of the deceased when accused Nos. 1 to 5 entered the house and attacked the victims. The investigation has been completed and final report has been laid. Though it is alleged that the applicant is a

person with criminal antecedents, the crimes involved bailable offences. Having regard to the nature and gravity of the allegations against the applicant, the role assigned to him, the materials in support thereof and his lack of criminal antecedents, I am of the considered view that the applicant can now be released on bail on conditions.

In the result, this application will stand allowed. The applicant herein shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction. However, the above order shall be subject to the following conditions.

- (a) He shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.
- (b) He shall not commit any offence while on bail.
- (c) He shall not leave the State of Kerala without the previous permission of the court of enquiry or trial court, as the case may be.
- (d) The applicant shall surrender his passport before the court below or if he does not have one, he shall file an affidavit to that effect within five days of his release. Application for release of the passport, if any, shall be considered by the Trial court at the appropriate stage.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

Sd/-

**RAJA VIJAYARAGHAVAN V. ,
JUDGE**

KRJ

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P.A.To Judge