

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943

Bail Appl..No.3242 OF 2021

CRIME NO.659/2021 OF Thiruvalla Police Station , Pathanamthitta

PETITIONERS/ACCUSED:

- 1 RAHUL RAJAN
 AGED 21 YEARS
 MUNDANARIL HOUSE,NIRANAM P.O,
 THIRUVALLA
 689621
 - 2 VISHNU RAGHUKUMAR
 AGED 22 YEARS
 PUTHENPURAYIL HOUSE, KARAMUTTU,KARUVATTA, ALAPPUZHA
 - 3 JISHNU M V
 AGED 23 YEARS
 MODISSERIL HOUSE, NIRANAM P.O, THIRUVALLA
- BY ADV. SRI.T.P.PRADEEP

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
682031

R1 BY PUBLIC PROSECUTOR SRI.M.R.DHANIL

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021

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

2. The petitioners are the accused Nos. 2 to 4 in Crime No.659/2021 of Thiruvalla Police Station. The offences alleged are under Sections 143, 147, 148, 452, 294(b), 506(ii), 324, 326 and 307 r/w 149 of IPC.

3. The prosecution case in short is that on 22/3/2021, at 11.00 p.m., the petitioners along with the remaining accused formed themselves into an unlawful assembly, armed with deadly weapon and in prosecution of the common object of the assembly, criminally trespassed into the house of the defacto complainant hurled abusive words against him and assaulted him inflicting cut injuries on both the legs and the body with intention to kill him and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted 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 petitioners were remanded to judicial custody on 28/3/2021. 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.

In the result, the application is 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 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

Rp

True Copy

PS to Judge