

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 3RD DAY OF JUNE 2022 / 13TH JYAISHTA, 1944

BAIL APPL. NO. 3809 OF 2022

CRIME NO.329/2022 OF Irinjalakuda Police Station, Thrissur

PETITIONERS/ACCUSED:

- 1 JITHOSH, AGED 37 YEARS
KOZHINJAMPARAMBIL HOUSE, KANAL BASE MANAVALASSERY
VILLAGE, IRINJALAKUDA, PIN - 680121
- 2 MANI, AGED 64 YEARS
SON OF CHATHAPPAN, KOZHINJAMPARAMBIL HOUSE, KANAL
BASE, MANAVALASSERY VILLAGE,
IRINJALAKUDA, PIN - 680121.
BY ADV SAIJO HASSAN

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
IRINJALAKUDA POLICE STATION THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031.

BY SMT.T.V.NEEMA- SR. PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
03.06.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is the second bail application filed under Section 439 of Cr.P.C seeking regular bail.

2. The petitioners are the accused Nos.1 and 3 in Crime No.329/2022 of Irinjalakkuda Police Station. The offences alleged are punishable under Sections 341, 294(b), 324 and 307 r/w 34 of IPC.

3. The prosecution case in short is that on 18.3.2022 at 6 pm., due to previous enmity and in furtherance of common intention to cause the death of the de facto complainant's friend Shaji, the petitioners along with the 2nd accused, wrongfully restrained said Shaji, assaulted him on his head and face using a granite stone with intention to kill him and thereby committed the above said 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. A perusal of the case diary would reveal that the accusation made against the petitioners is well founded. The allegations made against them are very serious in nature and it prima facie show a premeditated criminal act on their part. However, the petitioners were remanded to judicial custody on 4.4.2022. Almost 60 days have already been elapsed. The investigation is almost over. 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 Rs.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

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