

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 17TH DAY OF FEBRUARY 2022 / 28TH MAGHA, 1943

BAIL APPL. NO. 1129 OF 2022

CRIME NO.897/2021 OF ALAPPUZHA POLICE STATION, ALAPPUZHA
DISTRICT

PETITIONERS/ACCUSED:

- 1 SUDHEER
AGED 34 YEARS
S/O ABDUL SHUKOOR, ADIVARAM SEBIL MANZIL,
PANAMOODU KANDATHIL, MANNANCHERI VILLAGE,
ALAPPUZHA -, PIN - 688538
- 2 ARSHAD NAVAS
AGED 22 YEARS
S/O NAVAS, THURIGHIYIL GARDENS, AMBANAKULANGARA,
MANNANCHERI VILLAGE, ALAPPUZHA , PIN - 688538
- 3 ALI AHAMMAD
AGED 18 YEARS
S/O NAISAM, MAHCHATTU COLONY, AMBANAKULANGARA,
MANNANCHERI VILLAGE, ALAPPUZHA , PIN - 688538
- 4 ASIF SUDHEER @ ACHU
AGED 19 YEARS
S/O SUDHEER, PARAPPIL HOUSE, AMBANAKULANGARA,
MANNANCHERI VILLAGE, ALAPPUZHA , PIN - 688538
- 5 NISHAD
AGED 36 YEARS
S/O SHAJUDHEEN, MACHATTU COLONY,
AMBANAKULANGARA, MANNANCHERI VILLAGE,
ALAPPUZHA , PIN - 68853

BY ADVS.
NANDAGOPAL S.KURUP
SURESH BABU THOMAS

VERDICTUM.IN

BA No.1129/2022

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RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

OTHER PRESENT:

SRI. P. NARAYANAN (ADDL. PUBLIC PROSECUTOR)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17.02.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is an application for regular bail.

2. Petitioners are accused Nos. 13 to 17 in Crime No. 897 of 2021 of Alappuzha Police Station, Alappuzha District, alleging commission of offences under Sections 143, 147, 148, 324, 326, 341, 354, 506, 427, 118, 120(B), 201 & 302 r/w Section 149 of the Indian Penal Code.
3. The allegation against the petitioners is that the petitioners along with the other accused in the case hatched a conspiracy to murder one Ranjith, a practicing advocate of Alappuzha Bar, in retaliation for the killing of one Shan, who was the State Secretary of a political outfit, named 'SDPI', and in furtherance of the same, on 19.12.2021, the accused 1 to 12 formed themselves into an unlawful assembly and trespassed into the house of Ranjith and murdered him in a brutal fashion.
4. The learned counsel for the petitioners would submit that the petitioners are not the persons, who are alleged to have committed the offence. It is submitted that the petitioners have no part in the conspiracy, alleged to have been hatched regarding the murder of

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the aforesaid Ranjith. It is further submitted that there is absolutely no material collected by the prosecution, which could lead to the conclusion that the petitioners were also part to the conspiracy. It is also submitted that, if at all, the only allegation that could be levelled against the petitioners is that under Section 212 of the Indian Penal Code, which is a bailable offence.

5. The learned Additional Public Prosecutor appearing for the State vehemently opposes grant of bail. It is pointed out that the murder of the aforesaid Ranjith was carried out in a most brutal fashion by accused Nos.1 to 12. It is submitted that the prosecution has collected sufficient evidence to establish that the petitioners herein were also part to the conspiracy to murder the aforesaid Ranjith. It is further submitted that there are materials collected by the prosecution, which would show that the petitioners were very much in contact with accused 1 to 12 and they had ganged up together and conspired to commit the offence. It is submitted that the materials collected include digital evidence, which would show that the petitioners were in constant touch with the persons, who actually carried out the murder. It is further submitted that the statements of independent witnesses have also been collected to prove that the petitioners and the other accused in the case had all

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conspired together to commit the offence. It is alleged that the investigation conducted thus far also reveals that there was also a plan that if the attempt to murder the aforesaid Ranjith by the accused 1 to 12 did not succeed, another group including the petitioners herein would execute the murder. It is submitted that, therefore, there is sufficient materials collected by the prosecution to establish the existence of a criminal conspiracy.

6. Having regard to the facts and circumstances of the case and having heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State, I am of the opinion that the petitioners are not entitled to be released on bail. I had already considered the bail application filed by accused No.20 in the case and had rejected the same through order dated 07.02.2022 in BA No. 607 of 2022.

In the result, the bail application fails and it is dismissed accordingly.

Sd/-

GOPINATH P.

JUDGE