

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 7TH DAY OF FEBRUARY 2022 / 18TH MAGHA, 1943

BAIL APPL. NO. 607 OF 2022

Crime No.897/2021 of Alappuzha South Police Station

PETITIONER/ACCUSED No.10:

SUHAIL
AGED 24 YEARS, S/O.SIYAD,
SHEEJA MANZIL, MULLATH WARD,
ALAPPUZHA DISTRICT, PIN - 688 011.

BY ADVS.
V.JOHN SEBASTIAN RALPH
VISHNU CHANDRAN
RALPH RETI JOHN
APPU BABU
SHIFNA MUHAMMED SHUKKUR

RESPONDENT/COMPLAINANT:

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

BY ADVS.
SHRI.SAJJU.S., SENIOR G.P.
DIRECTOR GENERAL OF PROSECUTION

OTHER PRESENT:

ADV P.NARAYANAN-SR.GP & ADDL PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.897/2021 of Alappuzha South Police Station alleging commission of offences under Sections 143, 147, 148, 324, 326, 341, 354, 506, 427, 118, 120(B), 201, 212, 302 read with 149 of the Indian Penal Code.

2. The allegation against the petitioner is that the petitioner together with the other accused conspired to do away with one Renjith in retaliation for the killing of one Shan, who was the State Secretary of a political outfit known as the 'SDPI', It is alleged that following the conspiracy, one Renjith who is a practising advocate at the Alappuzha court was murdered on 19-12-2022 in a most brutal fashion.

3. The learned counsel for the petitioner would submit that the remand reports filed in respect of the petitioner/20th accused would show that the only allegation against the petitioner is an offence punishable under Section 212 of the Indian Penal Code. It is submitted that Section 212 is a bailable offence and the petitioner is entitled to bail. Reference is made to the order of this court in B.A. No.144/2022 dated 13-01-2022 in this regard. It is submitted that the present allegation that the petitioner was one of the parties to the conspiracy is on the basis that the petitioner was present in the party office immediately prior to the murder of the aforesaid Renjith along with other accused in the case. It is submitted that when the State Secretary of the SDPI had been murdered, it is quite natural for other party workers to gather in the party office and this by itself cannot be a ground to believe that the petitioner is part to the conspiracy.

4. The learned Senior Public Prosecutor vehemently opposes the grant of bail. It is submitted that there is clear evidence with the prosecution that the petitioner was part of the conspiracy. Certain statements recorded from two independent witnesses are placed before me to substantiate that the petitioner was part of the conspiracy. It is also pointed out that the digital evidence, namely the CDR details of the petitioner alone suggests that he was constantly in touch with the accused, who actually carried out the murder and this shows that the petitioner was clearly part of the conspiracy. It is submitted that the petitioner is not entitled to be released on bail, at this stage.

5. Having regard to the facts and circumstances of the case, I am not inclined to accept the case of the petitioner that the only allegation against him is one punishable under Section 212 of the IPC. *Prima facie* it is apparent that there are materials which suggests that the petitioner was part of conspiracy to murder the aforesaid Renjith. Therefore I am not inclined to hold that the petitioner is entitled to bail.

In the light of the fact that this bail application has been dismissed, I do not deem it necessary to consider the application for impleading filed by the wife of the deceased.

Sd/-
GOPINATH P.
JUDGE