

Ramdas Vs. State of Kerala

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Court : Kerala

Decided On : Jun-13-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Ramdas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID FRIDAY, THE 13TH DAY OF JUNE 2014 23RD JYAISHTA, 1936 Bail Appl..No. 4352 of 2014 ()
----- AGAINST THE

ORDER

IN CrI.MC7032014 of SESSIONS COURT, THRISSUR CRIME NO. 537/2014 OF MATHILAKOM POLICE STATION , THRISSUR PETITIONER(S)/ACCUSED NO.8:
----- RAMDAS, AGED 41 YEARS S/O.KUNJITTAMAN, NELLIPARAMBATH VEETIL CHAKKARAPPADAM DESOM, PERINJANAM VILLAGE THRISSUR DISTRICT. BY ADVS.SRI.P.VIJAYA BHANU (SR.) SRI.THOMAS J.ANAKKALLUNKAL SRI.VIPIN NARAYAN
RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY SRI.ASAF ALI, DIRECTOR GENERAL OF PROSECUTION THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON1306- 2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Bail Appl..No. 4352 of 2014 APPENDIX PETITIONER'S EXHIBITS: ANNEXURE
A:TRUE COPY OF THE

ORDER

DATED243.2014 IN CRL.M.P. NO.3894 OF 2014 PASSED BY THE COURT OF
THE JUDICIAL FIRST CLASS MAGISTRATE-I, KODUNGALLUR ANNEXURE
B:TRUE COPY OF THE

ORDER

DATED214.2014 PASSED BY THE COURT OF THE SESSIONS JUDGE,
THRISSUR IN CL.M.C NOS.688 OF 2014 AND703OF 2014 OF THAT COURT
ANNEXURE C:TRUE COPY OF THE

ORDER

DATED195.2014 IN CRL.M.C NO.918 OF 2014 PASSED BY THE COURT OF
THE SESSIONS JUDGE, THRISSUR ANNEXURE D:TRUE COPY OF THE

ORDER

DATED46.2014 RENDERED AS A COMMON

ORDER

IN CRL.M.C. NOS.1092 OF2014 1093 OF 2014 AND1095OF 2014 OF THAT
COURT. /TRUE COPY/ P.S TO JUDGE P.UBAID, J.

~~~~~ B.A No.4352 of 2014 ~~~~~ Dated this the 13th June, 2014

ORDER

The petitioner herein is the 8th accused in Crime No.537 of 2014 of Mathilakam  
Police Station registered under Sections 143, 147, 148, 341, 324, 326, 120B, 201,  
212, 307, 302 read with Section 149 of Indian Penal Code and also under Section  
27 of the Arms Act. The crime relates to the brutal murder of one Navas at about  
8.45 p.m on 2.3.2014.

2. The prosecution case is that as part of a political conspiracy hatched by this  
petitioner and the other co- accused at the instance of some party leaders, they

proceeded to kill one Gireesh, but believing that the deceased Navas is Gireesh, they attacked him and inflicted serious injuries on his body with weapons like sword, iron pipe etc., and thus caused the death of Navas. It is also alleged that an attempt on the life of two others was also made by the petitioner and others. They are one Subramnian, and one Ramesh. They also sustained serious B.A No.4352 of 2014 2 injuries in the incident, but they somehow escaped. The crime was registered on the First Information Statement given by the injured Subramanian. During investigation, the police arrested some of the accused on different dates. This petitioner was arrested on 14.3.2014, and was produced before the learned Magistrate having jurisdiction on 15.3.2014. His application for bail was dismissed by the learned Sessions Judge, Thrissur by order dated 21.4.2014 in CrI.M.C703 of 2014. Now, he is before this Court seeking regular bail under Section 439 of Cr.P.C.

3. As required by the Court, the learned Director General of Prosecutions submitted the case diary along with report of the Investigating Officer and opposed the bail application on the ground that release of the petitioner at this stage will definitely obstruct the arrest of the others, who remain to be arrested, and will also obstruct the proper trial of the case.

4. On a perusal of the case diary, I find that deceased Navas had sustained 41 antemortem injuries on his body in the alleged incident. Much probe is not required to find the brutal nature of the attack made on him by the petitioner and others. Two others also sustained very serious B.A No.4352 of 2014 3 injuries, but they somehow escaped. There is reason to believe that the alleged incident was the result of a political conspiracy, and some important persons are behind the conspiracy made by the petitioner and others. I find that if the petitioner is now released on bail, it will definitely affect the smooth trial of the case, because I find the definite possibility of the very material witnesses being threatened or influenced, or other wise won over by the petitioner and others. It is submitted that three of the accused are yet to be detected and arrested. The arrest of those persons will also be obstructed, if the petitioner is now granted bail. It is reported that the police has already submitted final report in the committal court, and the learned Magistrate has initiated committal proceedings. The question of granting

bail can be considered at a later stage when the court finds the possibility of delay in trial. Presently, in the circumstances discussed above, bail cannot be thought of. In the result, this application for bail is dismissed. Sd/- P.UBAID JUDGE ma /True copy/ P.S to Judge

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