

Prasad, vs State of Kerala,

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Court : Kerala Orders

Decided On : Oct-27-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./8756/2023

Appellant : Prasad,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P. FRIDAY,
THE 27TH DAY OF OCTOBER 2023 / 5TH KARTHIKA, 1945 BAIL APPL. NO.
8756 OF 2023 [CRIME NO.709 OF 2023 OF HARIPPAD POLICE STATION,
ALAPPUZHA] AGAINST THE ORDER IN CMP 2970/2023 OF JUDICIAL
MAGISTRATE OF FIRST CLASS- I, HARIPAD PETITIONERS:

1 PRASAD, AGED 51 YEARS S/O KOCHUKUNJU, KURAVANTHARA
VEETIL, NEENDOOR MURI, PALLIPPAD PANCHAYATH WARD NO.1,
PALLIPPAD VILLAGE, PALLIPAD P.O. ALAPPUZHA DISTRICT, PIN -
690512 2 HARIDAS, AGED 47 YEARS S/O
KOCHUKUNJU,KURAVANTHARA VEETIL,NEENDOOR MURI,

PALLIPPAD PANCHAYATH WARD NO.1,PALLIPPAD VILLAGE,
PALLIPAD P.O, ALAPPUZHA DISTRICT, PIN - 690512 BY ADVS.
R.REJI M.V.THAMBAN THARA THAMBAN B.BIPIN ARUN BOSE

RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE STATION
HOUSE OFFICER, HARIPAD POLICE STATION, ALAPPUZHA DISTRICT, PIN -
BY SMT.T.V.NEEMA, SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 27.10.2023, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P, J.

----- B.A. No.8756 of 2023
----- Dated this the 27th day of October, 2023.

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioners are accused Nos.1 & 2 in Crime No.709 of

2023 of Harippad Police Station, Alappuzha District, for having committed offences punishable under Sections 120(B), 302 r/w. Section 34 of the Indian Penal Code.

3. The prosecution case is that the accused, at 6.00 P.M. on

28.08.2023, at the public road passing through the North- Western side of the ancestral home of the accused at Neendoor, Pallippad, the accused shot Sri. Soman, aged 56 years at his chest with a gun and caused his death at 8.13 P.M. on that day at Medical College Hospital, Vandanam. Thus the accused are alleged to have committed the offences punishable under sections 120(B), 302 r/w 34 of the Indian Penal Code.

4. The learned counsel appearing for the petitioners and the learned Public Prosecutor were heard.

5. Taking into account the fact that the charges levelled against

the petitioners are grave and the investigation is going on, I am of the opinion that releasing the petitioners at this stage would adversely affect the investigation. Under such circumstances, I am not inclined to grant bail. The bail application is hence dismissed. Sd/- MOHAMMED NIAS C.P smv JUDGE APPENDIX OF BAIL APPL. 8756/2023 PETITIONER'S ANNEXURES Annexure A1 CERTIFIED COPY OF THE ORDER DATED

16.09.2023 IN CMP NO. 2970/2023 (CRIME NO. 709/2023 OF HARIPAD POLICE STATION) ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HARIPAD

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