

**(2020) 11 KL CK 0085**

**In the High Court Of Kerala**

**Case No : Bail Application No. 5942, 6518 Of 2020**

Lalkitchu And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

**Date of Decision : 23-11-2020**

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 120B, 201, 302, 323, 341  
Arms Act, 1959 — Section 27

**Citation : (2020) 11 KL CK 0085**

**Hon'ble Judges : Ashok Menon, J**

**Bench : Single Bench**

**Advocate : Nandagopal S. Kurup, C.K. Suresh, Renjith B. Marar**

**Final Decision : Allowed**

## Judgement

1. Heard the learned counsels appearing for the applicants, who are accused Nos. 3 and 4 respectively, in B.A.No.5942 of 2020 and B.A.No.6518 of

2020 in Crime No.739 of 2019 of Chengamanad Police Station, Ernakulam, for having allegedly committed offences punishable under Sections 120B,

302, 201 read with Section 34 of the IPC and Section 27 of the Arms Act.

2. The earlier applications were dismissed by this Court vide order dated 17.06.2020 and this is the 2nd time that they are appearing before this Court

seeking indulgence for bail for the reason that they have completed one year on judicial custody and still the trial appears to be distant propositions. A

report was called for from the II Additional Sessions Judge, Paravur, where the matter is pending as S.C.No.588 of 2020, and the learned Judge

submits that FSL report has not yet been received and in case, the forensic lab report is received, it will take about six months time for him to dispose

of the matter, even if the trial is taken in an expeditious manner. The learned

counsels appearing for the applicants would submit that the application for bail was dismissed because of the brutal manner in which the alleged murder was committed and also for the reasons that the applicants have criminal antecedents. Both the applicants have more than one criminal antecedents against them. But, it is pointed out by the learned counsels appearing for the applicants that the antecedents are of the year 2012 and 2016 and the latest antecedents against A3 is of the year 2019 is for a lesser offence under Sections 323 and 341 IPC.

3. The bail applications filed by the applicants were dismissed by a common order detailing the reasons why the bail was rejected and there was also a direction given to the Sessions Judge to expedite disposal of the matter. The learned Public Prosecutor has submitted that there are 91 witnesses cited for the prosecution. And the trial court has stated that the FSL report is still awaited. Under the circumstances, it seems that the trial is not likely to conclude within even the six months time sought for by the learned sessions Judge. Under the circumstances, this Court will have to be indulgent enough to grant bail to the applicants, but on stringent conditions, considering their antecedents.

4. In the result, the bail applications are allowed and the applicants are directed to be released on bail on the execution of bonds for Rs.50,000/-

(Rupees Fifty thousand only), each with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following

further conditions:

(i) They shall appear before the court on all posting days without fail except on permission granted by the trial judge.

(ii) They shall surrender their passports before the trial court and in case, they don't have passports, they shall file an affidavit to that effect.

(iii) They shall not enter the Ernakulam District and shall also furnish their address and phone number to the Investigating officer as also to the jurisdictional court.

(iv) They shall not intimidate or influence witnesses and tamper with evidence.

(v) They shall not get involved in similar crimes during the currency of the bail period.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

The bail applications are allowed.