

**(2024) 09 KL CK 0096**

**In the High Court Of Kerala**

**Case No : Bail Application No.7682 of 2024**

Muhammed Mansoor @ Faizal @ Jinnas

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision : 26-09-2024**

**Acts Referred:**

Indian Penal Code, 1860 — Section 120B, 143, 144, 147, 148, 149, 212, 294(b), 302, 307, 452, 506(ii)  
Arms Act, 1959 — Section 20, 27

**Citation : (2024) 09 KL CK 0096**

**Hon'ble Judges : Viju Abraham, J**

**Bench : Single Bench**

**Advocate : C.Rajendran, S.Unnikrishnan**

**Final Decision : Dismissed**

## Judgement

Viju Abraham, J.

1. Petitioner is the 4th accused in Crime No.1016 of 2021 of Pulikeezhu Police Station, Pathanamthitta. The FIR was registered on 02.12.2021 in the present case alleging offences punishable under Sections 143, 144, 147, 148, 302, 506(ii) and 294(b) read with 149 of the Indian Penal Code. The petitioner was arrested on 03.12.2021 and has been in custody ever since. The final report has been filed on 02.02.2022 alleging offences punishable under Sections 120B, 143, 147, 148, 302, 307, 452, 506(ii), 294(b), 149 and 212 of the Indian Penal Code and under Section 20 read with Section 27 of the Arms Act.

2. The gist of prosecution case is that on 02.12.2021 the deceased Sandeep who was a CPI(M) party activist was attacked and stabbed which led to the death of Sandeep.

3. Learned counsel for the petitioner submits that he was arrested on 03.12.2021 and has been in custody ever since. It is submitted that the continued detention of the petitioner is not required for the purpose of the investigation. Learned

counsel for the petitioner further submits that by Annexures-A1 and A2 orders accused Nos.2 and 3 have already been granted bail by this Court and the 5th accused was granted bail by this Court in BA No.11095 of 2023. Petitioner would further contend that the allegation against the petitioner is similar to that of the 2nd accused, who has been granted bail by this Court as per Annexure-A1 order.

4. Learned Public Prosecutor seriously opposed the application for bail mainly contending that the petitioner has an active role in the commission of the offence and further that he is involved in two other cases and the trial of the case has already started.

Taking into consideration the fact that the petitioner is in custody from 03.12.2021 onwards and that accused Nos.2,3 and 5 have already been granted bail by this Court, I am inclined to grant bail to the petitioner, but taking into consideration the seriousness of the allegations, the same shall only be on stringent conditions. Therefore, the petitioner is granted bail on the following conditions:

(i) Petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court.

(ii) He shall appear before the investigating officer in Crime No.1016 of 2021 of Pulikeezhu Police Station, Pathanamthitta District on every first and third Saturdays at 11.00 a.m. till completion of the trial.

(iii) He shall appear before the trial court on all posting dates without fail, except specifically exempted by the court.

(iv) He shall not leave the State of Kerala without obtaining prior permission from the jurisdictional Court.

(v) He shall not enter the jurisdiction limit of Pulikeezhu Police Station except for complying with condition No. (ii).

(vi) He shall surrender his passport before the jurisdictional Court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail.

(vii) He shall not attempt to interfere with the investigation or to influence any witness in the above said crime; (viii) He shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.1016 of 2021 of Pulikeezhu Police Station, Pathanamthitta District may file an application before the jurisdictional court, for cancellation of bail.