
Muhammed Jizad Vs State Of Kerala

Bail Appl. No. 9258 Of 2021

Court: High Court Of Kerala

Date of Decision: Dec. 8, 2021

Acts Referred:

Indian Penal Code, 1860 " Section 118, 120(B), 143, 144, 147, 148, 149, 212, 294(b), 302, 324, 341, 506(ii)

Hon'ble Judges: Gopinath P, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Gopinath P, J

1. This is an application for regular bail.

2. Petitioner is the 9th accused in Crime No.1908/2019 of North Police Station, Alappuzha, alleging commission of offences under Sections 120(B),

143, 144, 147, 148, 341, 324, 294(b), 506(ii), 302, 118, 212 r/w. Section 149 of the Indian Penal Code.

The allegation against the petitioner is that, he along with the other accused formed themselves into an unlawful assembly and in furtherance of a

common object, committed murder of one Vikas and one Justin Sonu and thereby committed the offences alleged against them.

3. Following investigation of the case, the final report has been filed in the matter and the same is now pending trial before the 2nd Additional Sessions

Court, Alappuzha as S.C. No.369/2020.

4. Learned counsel appearing for the petitioner would submit that the petitioner was employed in the gulf countries and was not aware of the fact that

he was an accused in the case. It is submitted that all the other accused in the case have been granted bail. It is submitted that the petitioner was

arrested following a look out notice issued against him when he arrived at Nedumbasserry airport on 15.11.2021 in connection with his marriage which

is scheduled to be held on 12.12.2021. It is submitted that since final report has been filed in the matter, custody of the petitioner is not necessary for

the purpose of investigation into the case.

5. Learned Senior Public Prosecutor appearing for the State would submit that the petitioner is not entitled to bail. It is submitted that the prosecution

had to issue a look out notice as the petitioner was absconding. It is also submitted that the petitioner was well aware of the fact that he as an accused

in the case and still chose not to appear and take bail in the matter. It is submitted that all the other accused in the case were released after a

considerable period of incarceration and the petitioner cannot take advantage of the fact that he was absconding.

6. Having regard to the facts and circumstances of the case and considering the fact that petitioner's marriage is scheduled to be held on 12.12.2021

and also considering the fact that custodial interrogation of the petitioner is not necessary for the purpose of investigation (since final report has

already been filed), I am of the opinion that the petitioner can be released on bail subject to strict conditions. Accordingly, this application for regular

bail is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:-

(i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the

jurisdictional court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 1908/2019 of North Police Station, Alappuzha district on every Saturday at 11 am until further

orders;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the victim or any witness in Crime No.1908/2019 of North Police Station,

Alappuzha district;

(iv) The petitioner shall not enter the local limits of the Alappuzha district except for the purpose of attending court proceedings in S.C. No.369/2020;

(v) The petitioner shall surrender his passport before the jurisdictional court;

(vi) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No. 1908/2019 of North Police Station, Alappuzha district, may file an

application before this Court, for cancellation of bail.