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**(2022) 12 KL CK 0175**

**High Court Of Kerala**

**Case No:** Bail Application No. 9388 Of 2022

Nagaraju

APPELLANT

Vs

State Of Kerala

RESPONDENT

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**Date of Decision:** Dec. 16, 2022

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 120B, 323, 342, 363, 364A, 365, 447, 451

**Hon'ble Judges:** Bechu Kurian Thomas, J

**Bench:** Single Bench

**Advocate:** J.R.Prem Navaz, Sumeen S., Muhammed Swadiq, O.Mohamed Basil Koya Thangal, S.Dileep Sathyan, Noushad K.A

**Final Decision:** Allowed

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### **Judgement**

BECHU KURIAN THOMAS, J

Bechu Kurian Thomas, J

1. This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioners are accused Nos.5 and 11 in Crime No.986/2022 of Kottiyam Police Station, Kollam District. The offences alleged against the

petitioners are under Sections 323, 447 & 365 r/w Section 34 of the Indian Penal Code, 1860. Subsequently Sections 342, 451, 120B, 364A and 363 of

the IPC were also incorporated and Section 447 of the IPC was deleted.

3. According to the prosecution, the accused had together hatched a conspiracy to kidnap the minor son of the defacto complainant for ransom money

and in pursuance of the said conspiracy, petitioners along with the other accused reached Kottiyam, and three of the accused trespassed into the house of the defacto complainant and kidnapped her minor son and thereby committed the offences alleged.

4. Sri.J.R.Prem Navaz, learned Counsel for the petitioners submitted that the entire allegations are false and that the petitioners had no role in the

incident. It was further submitted that petitioners were arrested on 02.10.2022 and 03.10.2022 respectively and since accused Nos.1 and 2 have

already been released on bail, petitioners also ought to be released on bail.

5. Sri.K.A.Noushad learned Public Prosecutor on the other hand opposed the grant of bail and contended that accused Nos.3 and 9 in the crime are

yet to be arrested and therefore, releasing the petitioners on bail would cause prejudice to the investigation.

6. I have considered the rival contentions

7. The allegations against the petitioners are serious in nature. However, taking into reckoning the period of detention already undergone by the

petitioners, as well as the fact that accused Nos.1 and 2 have already been released on bail, I am of the view that the petitioners can be released on

bail on conditions.

In the result, this application is allowed on the following conditions:-

(a) Petitioners shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioners shall appear before the Investigating Officer as and when required.

(c) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence or contact the defacto complainant or her family members.

(e) Petitioners shall not commit any similar offences while they are on bail.

(f) Petitioners shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and

pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.