

Ramesh @ Manu Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Feb. 3, 2025

Acts Referred: Indian Penal Code, 1860 " Section 34, 201, 302

Hon'ble Judges: A. Badharudeen, J

Bench: Single Bench

Advocate: Shajin S.Hameed, C K Suresh, Jibu T S

Final Decision: Dismissed

Judgement

A. Badharudeen, J.

1. This is an application for regular bail, filed by the 1st accused in Crime No.710/2022 of Valiyathura Police Station.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the case diary as well as final report, placed by the learned Public Prosecutor.

4. In this matter, prosecution alleges commission of offences punishable under Sections 302, 201 r/w Section 34 of the Indian Penal Code, by accused

Nos.1 and 2. In a nutshell, the case of the prosecution is that, at about 18.45 hrs on 12.8.2022, the accused after sharing common intention, with

intention to do away one Peter Kanishkar, who also one among the friends of the accused, brought butcher knife kept at the shop of the 25thth,
witness, where the 2nd accused was working as butcher and thereafter, the 1st accused inflicted injuries on various parts of the body and the further

allegation is that, the 2nd accused cut the human body into pieces and helped the 1st accused to commit murder.

5. While canvassing regular bail to the 1st accused, who has been in custody from 21.10.2022 onwards, the learned counsel for the petitioner would

submit that the petitioner is liable to be released on bail since there is delay in starting trial and disposal of the case. It is submitted further that, since

the custody of the petitioner further is not necessary, the petitioner may be enlarged on bail. He is ready to abide by any conditions imposed by this

Court. It is submitted further that in [2024 KHC 6380], S heikh Javed Iqbal @ Asfaq Ansari @ Javed Ansari v. State of Uttar Pradesh, it was

held by the Apex Court that, "If alleged offence is a serious one, it is all the more necessary for prosecution to ensure that the trial is concluded

expeditiously. When trial gets prolonged, it is not open to the prosecution to oppose bail of accused/under trial on the ground that the charges are very

serious. Bail cannot be denied only on the ground that charges are very serious though there is no end in sight for the trial to conclude.

6. According to the learned counsel for the petitioner, though petitioner's involvement in other crimes was reported, in all those cases he was

acquitted.

7. The learned Public Prosecutor strongly opposed grant of bail to the 1st accused on the submission that this is a serious case of murder and also

pointed out the manner in which it was done by the 1st and the 2nd accused. According to the learned Public Prosecutor, there was no delay on the

part of the prosecution in the matter of trial and it was once scheduled and thereafter the counsel for the accused had given up his engagement and

accordingly the accused persons stalled the trial and accordingly the trial court postponed the trial.

8. In this matter, prosecution records would reveal that at about 18.45 hours on 12.8.2022, the accused herein after sharing common intention with

intention to do away one Peter Kanishkar, one among the friends of the accused, brought butcher knife kept at the shop of the 25th witness, where the

2nd accused was working as butcher. Thereafter, the 1st accused with the aid of the 2nd accused inflicted injuries on various parts of the body and

ensured the death of Peter Kanishkar. The further allegation is that, the 2nd accused cut the human body into multiple pieces and helped the 1st

accused to commit murder. Thus the involvement of accused Nos.1 and 2 in committing this crime is very much evident, prima facie.

9. Considering the custody of the petitioner from 21.10.2022, in order to consider the feasibility of trial, a report from the Additional Sessions Judge-VI,

Thiruvananthapuram, was called for. As per the report, the learned Sessions Judge reported that now the matter is scheduled for trial and trial would

start on 11.02.2025 by examining CW1 to CW3 and it would be finished by 03.03.2025. Having considered the gravity and the manner in which the

offence was committed and overseeing the feasibility of the accused fleeing from trial, and nothing is available to see any laches on the part of the

prosecution in proceeding with trial, I am not inclined to release the petitioner on bail and the petitioner is directed to co-operate with the trial which

would start on 11.02.2025. The trial court is directed to complete the trial as scheduled, without fail.

10. In the result, the bail application stands dismissed. Registry shall forward a copy of this order to the jurisdictional court for information and further

steps.