

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 18TH DAY OF DECEMBER 2020 / 27TH AGRAHAYANA, 1942

Bail Appl..No.7997 OF 2020

CRIME NO.859/2020 OF MUNAMBOM POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

1 MANU @ MANU NAVEEN,
AGED 24 YEARS,
MANGALAPPILLY HOUSE,
AYYAMPILLY KARA,
KUZHUPILLY VILLAGE.
PIN-682501

2 KEVIN KRISHNA,
AGED 19 YEARS,
ALLAPARAMBIL HOUSE,
CHERAI KARA,
PALLIPURAM VILLAGE.

3 VIVEK,
AGED 24 YEARS,
ALINGAL HOUSE,
AYYAMBILLY KARA,
KUZHUPILLY VILLAGE.

BY ADV. SRI.M.K.FAISAL

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM
PIN-682031

R1 BY PUBLIC PROSECUTOR

R1 BY ADDL.DIRECTOR GENERAL OF PROSECUTION

OTHER PRESENT:

SRI.C.K.SURESH - SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
18.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 18th day of December 2020

Application for Regular Bail

The applicants are the accused No.5, 6 and 7 in Crime No.859/2020 of Munambom Police Station, Ernakulam, for having allegedly committed offences punishable under Sections 302, 120(B) and 212, r/w Section 34 of the IPC. The prosecution case, in brief, is this:

2. On 22.09.2020 at about 4.45 AM, the applicants, along with the other accused, hatched a conspiracy to commit the murder of a young man named Pranav and accordingly, the deceased was called to the Palathumkulangara beach road and the accused persons brutally assaulted him, inflicted 39 ante mortem injuries to which he succumbed. It is stated that the 1st accused was enamoured with a lady towards whom the deceased also was smitten with. A rivalry between them started for winning the affections of the lady love they were smitten with. A1 wanted his competitor in love to be removed.

And for that reason, he hatched a conspiracy with his friends, the co-accused to eliminate the deceased. Accordingly, he used his girl friend's Facebook account to invite the deceased to the beach. Under the belief that it was the girl, who invited him, the deceased reached the beach in eagerness to meet his beloved. He saw the accused lying in wait for him. And he was done to death by them. The next day, his body was found at the beach and the crime was registered originally under Section 302 IPC. Consequent to that, investigation revealed the CCTV footages at the scene of occurrence establishing the presence of the accused at the scene of occurrence and consequent to that, they were all implicated in this crime. All the accused have been arrested. The applicants were also arrested on 09.10.2020 and are in judicial custody. Their bail application filed before the jurisdictional court was dismissed. Hence, they have approached this court for indulgence. It is stated that the applicants are innocent. The alleged rivalry was between the deceased and the 1st accused and the motive is not at all sufficient to rope in the applicants to commit a drastic crime

like murder. Hence, the applicants state that they may be granted bail.

3. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor. The learned Public Prosecutor has vehemently opposed the application for bail, stating that the applicants are members of a gang led by the 1st accused and both of them have criminal antecedents. The deceased also is a person having criminal antecedents and there was an existing rivalry between the accused persons and the deceased. It is for that reason that when the deceased and the 1st accused started vying for the same girl, they decided to get rid of him, and conspired to murder. According to the learned Public Prosecutor, It was a well-organized crime and the deceased was ensnared to the isolated beach. he was trapped by the accused and brutally murdered. The learned Public Prosecutor submits that the bail application filed by all the other accused have been dismissed, and this application requires no different treatment.

4. On hearing the submissions made by both sides and

on perusal of the records available, I find that the applicants were involved in the brutal murder of a young man. The applicants are also young, but they had little qualms about depriving a human life. Most of them have criminal antecedents too. Under the circumstances, there is every possibility that the applicants may get involved in crimes of similar nature. They may also attempt to interfere with the investigation by influencing or intimidating the witnesses. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail. (See: ***State of U.P.***

through CBI v.Amarmani Tripathi, 2005 (8) SCC 21; Prahlad Singh Bhati v. NCT, Delhi and Another, 2001 (4) SCC 280; Ram Govind Upadhyay v. Sudarshan Singh and Others, 2002 (3) SCC 598.)

On the application of the parameters set out by the Hon'ble Apex Court, the applicants are not entitled to the discretion of bail at this stage.

In the result, the application for bail is only to be dismissed, and I do so.

**Sd/-
ASHOK MENON
JUDGE**