

**IN THE COURT OF THE III ADDL. SESSIONS JUDGE /
SPECIAL JUDGE (SPE/CBI)-I, ERNAKULAM**

**Present: Sri. P.K. Mohandas, III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I, Ernakulam**

Tuesday the 28th day of January, 2025/ 8th Magha, 1946

Crl.M.P. No. 231/2025

in

SC No. 1650/2024

Petitioner/Accused No.7 : Amal Ihsan A, S/o. Naushad A, Aged 24 years,
Ary (H), Jail Road, Club kunnu, Mananthavady,
Wayanad – 670 645.

**By Adv. M/s. Sri. John S. Ralf,
Sri. Vishnu Chandran, Sri.Ralph R.John,
Sri. Giridhar Krishnakumar, Sri.Geethu T. A,
Sri.Mary Greeshma, Sri. Liz Johny and
Sri.Krishnapriya Sreekumar.**

Complainant/Respondent : Central Bureau of Investigation, represented by
Spl. Public Prosecutor, Sessions Court,
Ernakulam.

**Represented by Smt. Ramya Prasad,
Public Prosecutor, CBI -I Court, Ernakulam.**

This petition is coming on for hearing before me on 22.01.2025 and
the Court on 28.01.2025 passed the following:

ORDER

This application for modification of bail condition is filed by the 7th accused.

2. The petitioner is arraigned as the 7th accused along with others
allegedly committed criminal conspiracy and physically assaulted the deceased
Sidharthan J. S., a student of Veterinary and Animal Science College, Pookode,

Wayanad on the intervening night of 16.02.2024 and 17.02.2024 inside the men's hostel and abetted him to commit suicide. The case was initially registered as Crime No. 77/2024 at Vythiri Police Station, Wayanad. Following the notification dated 09.03.2024 issued by the Government of Kerala and the subsequent notification dated 05.04.2024 issued by the Ministry of Personnel, Public Grievances and Pensions, Government of India, the case was transferred to the CBI, Special Crime-II, New Delhi and re-registered as RC.0502024S0002 for further investigation.

3. After the investigation, CBI filed final report before the Chief Judicial Magistrate Court, Ernakulam on 25.04.2024 against 19 accused person, including the petitioner for offence u/s.120 B, 341, 323, 324, 342, 355, 306, 506 of IPC and u/s 4 and 3 of the Kerala Prohibition of Ragging Act, 1998 and the case was taken on file as C.P. No.1/2024. The case was committed to the Sessions Court as per the order dated 13.09.2024.

4. As per the common order dated 31.05.2024 in Bail Application No.3705/2024 the Hon'ble High Court of Kerala granted bail to the petitioner on imposing conditions. The condition (vi) reads as follows; (vi) *"The petitioner shall not enter the Wayanad District till the conclusion of the trial in the above crime"*.

5. The petitioner submits that he is a native of Mananthavady, Wayanad District, and resides 48 km away from the College of Veterinary & Animal Sciences at Pookode. He has no need to go near the college, and can enter and exit Wayanad via Kuttiyadi, which completely bypasses the college.

6. After he was arrayed as an accused in this case the petitioner's sister has suffered severe mental breakdowns, neurological disorders, including seizures, fainting, and urinary incontinence. She is currently undergoing NEET entrance coaching at Xylem Learning Center, and the petitioner's support is crucial for her studies and well-being. Additionally, the petitioner's presence is required at his cousin's wedding on 16th February 2025 in Wayanad. Copies of his sister's medical records and the wedding invitation are attached to the petition.

7. The petitioner is a native of Wayanad district and if he is not permitted to enter the district and to be with his family, will cause serious hardship to him. The witnesses in the case are students of Pookode Veterinary College and they are spread all over the State of Kerala. Hence the condition that he shall not enter the district of Wayanad has no consequence as far as the present stage of the case is concerned. Condition (viii) of the bail order allows the jurisdictional court to modify or delete conditions, this court has the authority to entertain the petition.

8. I have heard the counsel appearing for the petitioner and the Public Prosecutor.

9. The learned Public Prosecutor opposed the application, citing the judgment of Hon'ble High Court of Kerala in WP(C) No. 22835/2024 dated 05.12.2024 and connected writ petitions, which quashed the reports of the Anti-Ragging Squad and Anti-Ragging Committee, as well as the college's order dated 02.03.2024. The High Court directed a fresh inquiry and ordered the re-admission

of the petitioners to the Mannuthy campus. A review petition (RP 1375/2024) filed by the Kerala Veterinary and Animal Sciences University against the judgment dated 05.12.2024 is pending. It is further submitted that since the prime witnesses in the case are the classmates and college mates of the accused, permitting the petitioner to enter Wayanad District causes the possibility of influencing the witnesses and tampering with evidence.

10. The petitioner was granted bail as per order dated 31-05-2024 of the Hon'ble High Court. He has been complying the conditions in the bail order for the last more than 5 months. Now he wants to support his sister, who is undergoing treatment for neurological disorders and requires his presence for her studies and mental well-being. When the matter came-up for hearing the learned counsel for the petitioner submitted that if the court is not inclined to completely lift the condition, a partial modification may be made and he may be permitted to go home at least few days in a month.

11. As stated above, the petitioner was released on bail as per order dated 31.5.2024. Stringent conditions were imposed by the Hon'ble High Court considering the serious nature of the allegations against the petitioner and the attending circumstances. Most of the witnesses are students of the College at Wayanad. So, lifting the ban on the entry of the accused to Wayanad district permanently may affect the case. But, considering the submission of the counsel for the petitioner, I am of the view that some relaxation to the condition can be given in the bail conditions.

Hence the petition is allowed in part and the following modifications are made in condition No.vi of the bail order.

1. The petitioner is permitted to enter the Wayanad district for a period of 2 days from 15-02-2024 to 16-02-2024 to attend the marriage of his cousin and assist his sister in preparing for the NEET exam.
2. He is permitted to enter the Wayanad district and remain in his house from Friday to Monday of the 2nd week of every month from February 2024, until further orders.
3. During his stay in Wayanad district he shall not try to contact any witness or tamper evidence.
4. All other conditions shall stand unaltered.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 28th day of January, 2025.

Sd/-
P. K. Mohandas
III Addl. Sessions Judge.

Appendix: Nil

Id/-
III Addl. Sessions Judge.
(By Order)

//True Copy//

Sd/-
Sheristadar.