

**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**

Wednesday the 19th day of February, 2025/ 30th Magha, 1946

Crl.M.P. No. 501/2025

In

SC No. 1650/2024

Petitioner/Accused No. 18 : Bill Gates Joshwa, S/o. Jose V
Thannikkode, Sulthan Bethery Village,
Sulthan Bathery Village, Wayanad

By Adv.Sri. Isac Sanjay

Complainant/Respondent : Central Bureau of Investigation,
**Represented by Smt. Ramya Prasad,
Public Prosecutor, CBI -I Court,
Ernakulam.**

This petition is coming on for hearing before me on 12.2.2025 and
the Court on 19.2.2025 passed the following:

ORDER

This application for modification of bail condition is filed by the 18th
accused.

2. The petitioner is arraigned as the 18th 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, including the petitioner, for offence u/s.120B, 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. The case was taken on file in the present number and made over to this court for trial and disposal.

4. The petitioner was granted bail by the Hon'ble High Court of Kerala as per order dated 31.05.2024 in Bail Application No.2754/2024 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. According to the petitioner, he is a resident of Sulthan Bathery, Wayanad and currently resides in a rented house in Engapuzha, Kozhikode in

compliance of the condition in the bail order restricting his entry into Wayanad. His permanent residence is 50 km from Pookode Veterinary College campus, where he was a 4th year Bachelor of Veterinary Science and Animal Husbandry student. The petitioner faces financial burden of ₹25,000 per month, including ₹15,000 for rent and ₹10,000 for food and other necessities, as he is living away from home. Due to the restriction preventing his entry into Wayanad, he has been compelled to discontinue his studies at the College of Veterinary and Animal Sciences (COVAS), as he is unable to attend college. Meanwhile, several co-accused in the case have been permitted to rejoin the college and continue their studies. As the investigation has been completed and the charge sheet is set to be filed, the petitioner seeks permission to enter Wayanad to support his family. He undertakes that he will not misuse the liberty granted and assures that he abide by all conditions imposed by the court.

6. According to the petitioner, he is innocent of the allegations and he has been falsely implicated in the case. He has been complying with the bail conditions for the last 240 days without any violation. The Hon'ble High Court, in the bail order, observed that 'application for deletion/modification of the bail conditions shall also be filed before the jurisdictional court.' Therefore, he seeks modification of Condition No. VI in the bail order.

7. The investigating officer filed objection contending that further investigation of the case is progressing. It is reported that the prime witnesses of the case are the classmates and collage mates of the petitioner and if he is

permitted to enter the Wayanad district, there is chance of influencing the witnesses.

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

9. The learned Public Prosecutor opposed the application and submitted that further investigation is progressing in this case. The witnesses are classmates and college mates of the petitioner. If the petitioner is allowed to enter Wayanad District, there is a possibility of influencing the witnesses and destroying evidence, which could affect the trial and court proceedings.

10. The learned counsel for the petitioner submits that the petitioner is a native of Sultan Bathery. The students in the college are hailing from different parts of the State and not from Wayanad. According to him, most of the witnesses have completed their course and left the college. There is no basis for the apprehension raised by the investigating officer. The petitioner is ready to abide by any condition. At present he is residing near the border of the Wayanad district and his parents have to spent huge money for the same. The petitioner finds it difficult live along in the present set-up.

11. The petitioner was granted bail by the Hon'ble High Court as per order dated 31-05-2024. The Hon'ble High Court has imposed a condition that the petitioner shall not enter the Wynad district until the conclusion of the trial. He seeks modification of the bail condition as he finds it difficult to live alone

and due to financial difficulties. But, that cannot be a ground to modify the condition in the bail order. The petitioner belongs to Wayanad district and most of the witnesses are students of the college at Vythiri. If the bail condition is modified permanently, there is every chance of the petitioner trying to influence the witnesses or tamper evidence. 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, so that the petitioner can meet his parents and family members.

12. 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 and remain in his house from Friday to Monday of the 2nd week of

every month from March 2025, until further orders.

2. During his stay in Wayanad district he shall not try to contact any witness or tamper evidence.
3. All other conditions in the bail order shall stand unaltered.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 19th day of February, 2025.

Sd/-
P. K. Mohandas
III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I

Appendix: Nil

Id/-
III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I
(By Order)

//True Copy//

Sd/-
Sheristadar.