

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-II, N. PARAVUR

Present:- Smt. Jyothi V., Additional Sessions Judge-II

Tuesday, the 2nd day of December, 2025/11th Agrahayana, 1947

Crl. MP No. 2845/2025

in

SC No.332/2021

(Crime No.880/2018 of Aluva West Police Station)

Petitioner/Accused:-

Sudheer, aged 24 years, S/o. Abdul Nazar, Kariyikodath House,
Vayalodam, West Veliyathunadu, Karumaloor, Ernakulam.

Application submitted through Superintendent, Sub Jail, Aluva

Respondent/Complainant:-

State of Kerala, represented by the Station House Officer,
Aluva West Police Station.

By Addl. Public Prosecutor N. Paravur, Sri. M. B. Shaji

This petition is filed by the petitioner/accused to enlarge him on bail in connection with the case, having been heard on 01.12.2025 and the court on 02.12.2025 passed the following:-

ORDER

This is an application for regular bail from jail filed by a petitioner/ accused in crime No.880/2018 of Aluva West Police Station. The offences alleged against the accused are under Sections 324, 326, 307 of IPC.

2. The prosecution case is as follows:- On 02.12.2018 at 5.30 p.m.,the accused with an intention to attack the defacto complainant tried to throw a stone against the defacto complainant which was blocked by him. At that time the accused took the stick of a coconut tree which if used as a weapon of offence is a dangerous weapon from the compound of the defacto complainant and uttered that he will kill him. Thereafter, he beat the defacto complainant on his head by

using the stick by which the defacto complainant sustained fracture on his right forehead and also fracture on his nasal bone. The attempt of the accused was to kill the injured. Hence, the accused is alleged to have committed the above said offence.

3. The accused was arrested on 04.12.2018. He was granted bail by the Hon'ble high court of Kerala in bail application No. 675/2019 dated 05.02.2019 and he was released on 07.02.2019. After filing the final report in this case this court has taken the file as CP No. 21/2019 and summons was issued to the accused. The accused appeared through his counsel and production warrant was issued as he was in judicial custody in another case. His production warrant was recalled on 16/12/2023. When the case was posted for scheduling trial the accused absconded. While steps under Sections 82 and 83 Cr.P.C., were pending against the accused, on 21.08.2025 he was arrested and produced before the court and he was remanded to judicial custody and he continues to be in judicial custody.

4. Petitioner's case in brief is as follows:- The petitioner had earlier obtained bail from this Hon'ble Court. The petitioner was employed at Kannur and was unaware of the subsequent legal proceedings of the case pending before this Hon'ble Court. The petitioner has since been in judicial custody at the Aluva Sub Jail. In view of the above pitiable circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to restore the bail earlier granted to the petitioner or, in the alternative, be graciously pleased to grant fresh bail to the petitioner in the interest of justice.

5. The prosecution objected the bail application as the investigation in Crime No. 880/2018 under Sections 324, 326, and 307 IPC was completed on 20.06.2019, and a charge sheet was filed against the accused before the Hon'ble Court, where it has been taken on file as S.C. No. 332/2021. If the application filed by the accused in Crime No. 880/2018 of Aluva West Police Station, who is also the petitioner before the Hon'ble Court—Sudheer, S/o Abdul Nazer, Karayikkodath House, Vayalakkad, West Veliathanadu—is considered, there is a possibility that he may abscond and fail to appear before the Hon'ble Court during the trial of the case. Therefore, it is respectfully requested that the petitioner's application be dismissed.

6. Heard. Perused the records and the averments in the petition.

7. I have carefully considered the submissions of the learned counsel for the petitioner and the learned Public Prosecutor. I have also perused the case records. The allegations against the petitioner are grave, involving offences punishable under Sections 324, 326 and 307 IPC. The prosecution has completed the investigation and the final report was filed in the year 2019. The records further reveal that though the petitioner was earlier granted bail by the Hon'ble High Court, he failed to appear before this Court at the stage of scheduling of trial, resulting in initiation of proceedings under Sections 82 and 83 Cr.P.C. It is also seen that thereafter the accused was arrested only on 21.08.2025 and has been in judicial custody since then.

8. It is submitted on behalf of the petitioner that his absence was neither deliberate nor with any intention to obstruct the proceedings, and that he was employed at Kannur and was unaware of the subsequent posting of the case. The petitioner has now been in custody since his arrest in August 2025. The prosecution, on the other hand, objects to the grant of bail on the ground that there is a possibility of the petitioner absconding again.

9. While considering the rival contentions, it is relevant that the offences were allegedly committed in 2018 and the trial has not yet commenced. The case is now posted for scheduling of trial and the Forensic Science Laboratory report is still awaited. Given the pendency of several older cases before this Court, it is unlikely that the present matter, registered in 2021, will receive immediate priority for trial. In such circumstances, continued incarceration of the petitioner may not serve any useful purpose, particularly when the investigation is long completed and the material evidence already stands collected. The apprehension of the prosecution that the petitioner may abscond can be addressed by imposing stringent conditions to ensure his presence during trial.

10. Considering the totality of the circumstances, namely the long pendency of the case, the completion of investigation, the present prolonged judicial custody of the petitioner, and the low likelihood of early commencement of trial, I am of the view that the petitioner can be granted bail, subject to strict conditions to secure his appearance and to safeguard the interest of the prosecution.

In the result, the petition is allowed. The petitioner shall be released on fresh bail in this case, subject to the following strict conditions:

1. The petitioner shall execute a bond for ₹1,50,000/- (Rupees one lakhs Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.
2. Sureties shall submit their original title deed for verification and comparison with the photocopies of the same before the court.
3. The petitioner shall not leave the jurisdiction of this Court without prior permission and shall inform the Investigating Officer and the Court of any change in address.
4. The petitioner shall not involve himself in any other offence while on bail. In the event of any similar or cognate offence being reported against him, the bail granted shall stand automatically cancelled.
5. The petitioner shall report before the Station House Officer concerned on all alternate Sundays between 03.00 p.m. and 04.00 p.m. till further order.
6. Violation of any of the above conditions will entail cancellation of bail and the Investigating Officer shall be at liberty to move for revocation of bail before this Court.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 2nd day of December, 2025.

Sd/-
Jyothi V.,
Additional Sessions Judge-II

Appendix:- Nil

Sd/-
Additional Sessions Judge-II

Typed by : Jini N.S.
Com.by:Deepa T.A.

Crl. M.P. No.2845/2025 in
[S.C.No.332/2021](#)
Order Dated :02.12.2025