

**IN THE COURT OF SESSIONS, KOTTAYAM DIVISION**

Present:- Smt. Lilly K,  
Additional Sessions Judge-V, Kottayam

**Friday the 1<sup>st</sup> day of August 2025**

10<sup>th</sup> day of Sravana 1947

**Criminal MP No. 1013/2025 in SC No. 441/2022**

**Petitioner/**

Ludheesh C B @ Pulchadi, aged 29 years,

**Accused**

S/o Babu, Chirayil House, Manarcadu Kara,

**No.2:-**

Manarcadu Village, Kottayam District.

*Adv. Vivek Mathew Varkey*

**Respondent:-**

State of Kerala, represented by the Station  
House Officer Kottayam East Police Station  
(by Public Prosecutor Kottayam)

*By Addl. Public Prosecutor Adv. Saji S Nair*

This Crl MP coming up for consideration on 01.08.2025 and the  
Court on the same day passed the following:

**ORDER**

Second application for bail filed under Section 483 of the  
Bharatiya Nagarik Suraksha Sanhita, 2023. Petitioner is the second  
accused. Crime was registered alleging commission of offences  
punishable under section 120B, 302, 364, 342, 323 and 324 r/w 34 of  
the Indian Penal Code.

**2.** Prosecution case, is that accused No.1 to 5 in furtherance of their common intention to murder Shan Babu, aged 19 years, abducted him in an autorikshaw, from his house at 9:15 p.m, on 16.01.2022 and brutally attacked and murdered him. His dead body was taken to the police station and laid in front of East police station, Kottayam by the first accused on 17.01.2022 at 3:40 a.m.

**3.** The petitioner/second accused claimed to be innocent. It was alleged that he was made accused only on the basis of his own confession statement. He never gave such a confession statement. Petitioner is ready to abide by any condition, if released on bail. It was alleged that the investigation is completed and no custodial interrogation is required. Petitioner was arrested on 18.01.2022 and was in custody for the last 1280 days. The bail application filed as Crl.MP 159/2025 was dismissed on 15.02.2025. The FSL report is not yet received. Hence the application for bail.

**4.** Investigation officer filed report opposing the bail application. As per the report, accused 1 to 5 in furtherance of their common intention abducted deceased Shan Babu, aged 19 years at 9:00 p.m. on 16.01.2022. The first accused poked Shan Babu on his right eye with finger. Accused No.2 to 4 beat, hit and punched him. Accused beat him

with sticks and murdered him. Thereafter the dead body was brought to the courtyard of the police station by the first accused. As per the report, 2<sup>nd</sup> accused had recorded the commission of the offence using his mobile phone. It was reported that the 2<sup>nd</sup> accused was involved in crime No.698/18, 1177/18, 370/19 616/2020, 719/20, 856/21 and 1392/21 of Manarcad Police Station, crime No.06/18, 1324/19 and 640/20 of Pampady Police Station; crime No.24/16 and 2035/2018 of Kottayam East Police Station, crime No.613/16 of Vaikom Police Station; crime No.699/16 of Erumely Police Station, and crime No.1155/18 of Kottayam West Police Station. He was also a convict in Crime No.1019/16 of Ranni Police station and 838/16 of Vakathanam Police Station. As per the report, investigation was completed and charge was submitted on the 85<sup>th</sup> day. In case the accused is released on bail, he will commit similar offenses, influence the witnesses, destroy the evidence and may abscond.

**5. Heard both sides.**

**6.** According to the learned counsel for the petitioner, FSL report has been received and the accused is in custody for the last more than 1280 days and trial did not commence. It was submitted that the crime was registered only on the basis of an alleged confessional statement given by the second accused. But no such confessional statement was

given by the second accused. The accused is ready to abide by any condition and learned counsel sought for releasing the second accused on bail.

7. Learned Public Prosecutor objected the bail application mainly on the ground that there was no change of circumstances to consider the second application for bail. The accused is involved in several crimes and he is a convict. Hence he may abscond and influence the witnesses if released on bail.

8. Records reveal that the first bail application filed by the petitioner/second accused as CrI.MP 159/25 was dismissed by my learned predecessor on 15.02.2025, considering the fact that he is involved in Crime No.698/2018 under Secs.324, 294(b), 341, 506, 308, 143, 144, 149 of the IPC, Crime No.1177/2018 under Secs.186, 332, 323, 353 r/w 34 of the IPC, Crime No.370/2019 under Secs. 323, 324, 294(b), 506(i), 427, 308 r/w 34 of the IPC, Crime No.616/2020 under Secs.294(b), 323, 447, 506 of the IPC, Crime No.719/2020 under Secs.294(b), 341, 324, 308 r/w.34 of the IPC, Crime No.856/2021 under Secs.15(4) of KAAPA, Crime No.1392/2021 under Sec.294(b), 323, 447, 506(i) r/w.34 of the IPC and Sec.3 r/w 4(1) of Kerala Health Care Service Persons and Health Care Service Institutions all of Mananarcadu Police Station, Crime No.6/2018 under Secs.457, 380,

461 IPC, Crime No.1324/2019 under Secs.323, 324, 506 and 34 IPC, Crime No.640/2020 under secs.143, 144, 147, 148, 323, 427, 506, 269, 336, 188, 149 of IPC and Sec.4(2)(a) and (i) of KEDO all of Pampady police station, Crime No.24/2016 under secs.395, 341, 294(b) IPC, Crime No.2035/2018 under secs.392 and 34 IPC, all of Kottayam East Police Station, Crime No.613/2016 under secs.24(B) r/w.25(1) AAA of Arms Act of Vaikom police station, Crime No.699/2016 under secs.392 and 34 IPC of Erumely police station, Crime No.1155/2018 under secs.402 IPC of Kottayam West police station and in view of the fact that he was a convict in crime No.1019/2016 of Ranni Police Station registered under section 379 r/w 34 IPC and Crime No.838/2016 of Vakathanam Police Station under section 457 & 380 r/w 34 IPC.

**9.** This is the second application for bail. The criminal antecedents of the accused and the fact that he was a convict in two crimes was not disclosed in the bail application, even though this is the second application for bail. Records reveal that the Final Report was filed on the 85<sup>th</sup> day. As per the report of the Investigation Officer, the fifth accused has absconded, after being released on bail. Second accused is involved in several crimes and is a convict. Accused No.1 is also in custody. In view of the fact that fifth accused has absconded, there is chance that the 2<sup>nd</sup> accused will also abscond, in case released on bail. In view of the suppression of the criminal antecedents of the

2<sup>nd</sup> accused in the bail application and considering the several cases in which he is involved, it is found that there is no change of circumstance to consider the second application for bail at this stage. Hence the application is dismissed.

**In the result,** application is dismissed

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, on this the 01<sup>st</sup> day of August, 2025.*

Sd/-  
Lilly K  
Addl.Sessions Judge-V, Kottayam

Copied by:  
Compd. by: