

ITEM NO.4

COURT NO.13

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8047/2021

(Arising out of impugned final judgment and order dated 28-06-2021 in BA No. 7174/2020 passed by the High Court Of Kerala At Ernakulam)

MARTIN ANTONY

PETITIONER(S)

VERSUS

THE STATE OF KERALA

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.135745/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.135746/2021-EXEMPTION FROM FILING O.T. )

Date : 09-03-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Alex Joseph, AOR  
Ms. Sonali S.S., Adv.  
Mr./Ms. Merin Thampan, Adv.  
Mr. S.K. Bose, Adv.

For Respondent(s) Mr. Ranjith Kumar, Sr. Adv.  
Mr. Nishe Rajen Shonker, AOR  
Ms. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The present petition has been filed seeking post-arrest bail in the pending trial in reference to the FIR registered on 18.02.2017 and after investigation charge-sheet came to be filed initially against seven accused persons and supplementary charge-sheet was filed on 22.11.2017 and total 12 accused persons are facing trial and later A-11 and A-12 were discharged.

It has come on record that all accused persons have been

released on post-arrest bail at a different point of time except accused A-1, A-2, A-4, & A-9 and A-2 is before this Court, who is in judicial custody since 19.02.2017 and almost has crossed more than five years of incarceration.

It is also brought to the notice of this Court that the trial is being monitored to be speed up and to be completed within the time framework given by this Court, but for all practical purposes could not be concluded and from a supplementary affidavit which has been filed by the respondent, request has been made seeking time for further investigation.

We have heard the learned Counsel for the parties and taking into consideration the facts and circumstances and the period of incarceration of the petitioner, without going into merits/demerits of the matter at this stage, consider it appropriate to observe that the petitioner has made out a case for post arrest bail.

Ordered accordingly.

The petitioner is directed to be produced before the concerned trial court within a period of three days and shall be released on such terms and conditions to the satisfaction of the concerned trial court. The trial court is at liberty to impose such conditions to ensure his presence in the pending trial.

The Special Leave Petition stands disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)