

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Bail Appl..No. 26 of 2015

**CRIME NO. 1039/2014 OF KANJIRAMKULAM POLICE STATION,
THIRUVANANDAPURAM DISTRICT.**

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PETITIONER(S)/ACCUSED 1 TO 6:

1. VINOD, AGED 31 YEARS, S/O.MANIYAN,
RESIDING AT THERIVILA PUTHEN VEEDU,
KOTUKAL, NELLIMOODU P.O, KOTTUKAL VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.
2. MANIYAN, AGED 65 YEARS, S/O.DASAYYAN NADAR,
RESIDING AT THERIVILA PUTHEN VEEDU, KOTUKAL,
NELLIMOODU P.O, KOTTUKAL VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.
3. OMANA, AGED 50 YEARS,
W/O.MANIYAN, RESIDING AT THERIVILA PUTHEN VEEDU,
KOTUKAL, NELLIMOODU P.O, KOTTUKAL VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.
4. KALA, AGED 24 YEARS, D/O.OMANA,
RESIDING AT THERIVILA PUTHEN VEEDU, KOTUKAL,
NELLIMOODU P.O, KOTTUKAL VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.
5. VIJI, W/O.VINOD, RESIDING AT THERIVILA PUTHEN VEEDU,
KOTUKAL, NELLIMOODU P.O, KOTTUKAL VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.
6. SINDHU, D/O.OMANA, RESIDING AT THERIVILA PUTHEN VEEDU,
KOTUKAL, NELLIMOODU P.O, KOTTUKAL VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No. 26 of 2015

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Dated this the 3rd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 to A6 in Crime No.1039 of 2014 of the Kanjiramkulam Police Station, pending investigation for the offences punishable under Sections 420 and 395 IPC.

3. The 1st accused made the defacto complainant believe that under the influence of a bad omen, her husband was frequently meeting with road accidents. In order to avoid this, she had to keep a precious stone with gold ornaments, which was allegedly in the possession of the 1st accused. He demanded an amount of Rs.5,50,000/- as initial payment for handing over the same and directed her to issue cheques for the balance amount. It is alleged that a conspiracy was hatched among all the accused and in pursuance to the conspiracy, on 03.12.2014 at 11.00 a.m. they received an amount of Rs.5,50,000/- from the defacto complainant

woman. Other documents were also got executed from her. It was the defacto complainant along with her son-in-law, who had visited the house of the petitioners. After receiving the amount, A1 and A2 went out by saying that they would bring the gold ornament with precious stone. Even though they waited for long, they did not return. Subsequently, A2 alone came back and told the defacto complainant and her son-in-law that A1 was apprehended by the police in connection with some other incident and they would sent the gold ornament studded with the precious stone after some days. They insisted that they would return only with the said gold ornament or the money which they had parted with. At that time, all the other accused except A1, who were present there, attacked the defacto complainant and her son-in-law with weapons including chopper, and forced them out. They were severely beaten up. Even though the son-in-law of the defacto complainant sought for help from the neighbouring houses, nobody has turned up as all the neighbours knew

who were the persons at the house of the petitioners. After attacking the defacto complainant, they have snatched away a gold chain weighing 3 ½ sovereigns from the neck of the defacto complainant.

4. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the CD.

5. The contents of the CD *prima facie* reveal the complicity of the petitioners. It has been reported that the 1st accused and the 2nd accused are habitual offenders. The 2nd accused is involved in more than 16 criminal cases. Similarly, the 1st accused is also an accused in several other criminal cases. The other accused were also involved in another criminal case registered at the very same police station. The allegations against the petitioners are very grave and serious. The investigation has a long way to go. The amount and the gold chain snatched away from the defacto complainant are yet to be recovered. Considering the seriousness of the allegations against the petitioners and the present stage of

the investigation, I am satisfied that the petitioners are not entitled to the discretionary relief of anticipatory bail.

In the result this bail application is dismissed.

**Sd/-
B. KEMAL PASHA
JUDGE**

DSV/3/2/15

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P.A. To Judge