

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 128 of 2015

CRIME NO. 1483/2014 OF THOPPUMPADY POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED NO.2 & 7 :

- 1. NIZAR R.M, AGED 36 YEARS,
S/O.R.M.MAJEED, CC NO.7/929, PANAYAPPILLY,
KOCHI.**
- 2. NAZEER K.M, AGED 42 YEARS,
S/O.MOHAMMED, CC 13/580B, CHITHUPARAMBU,
KOCHANGADI, KOCHI.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY
SRI.T.M.BINOY**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031(CRIME NO.1483/14 OF THOPPUMPADY
POLICE STATION, ERNAKULAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
THOPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT (CRIME NO.1483/14 OF
THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

=====

B.A. No.128 of 2015

=====

Dated this the 24th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A2 and A7 in Crime No.1483 of 2014 of Thoppumpady Police Station registered for the offences punishable under Sections 120B, 364A, 506(ii) and 395 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 13.10.2014 at 7 p.m., they called the defacto complainant and his friend Subhash to a spot near '*Lulu Mall, Edappally*', from where they were forcibly abducted by a car to a godown at Mattancherry wherein they were confined. They were severely beaten up and all their properties including an amount of Rs.13,400/-, 3 ATM cards, a mobile phone, a blank signed cheque leaf, their driving licences and their photographs, etc. were snatched away. By

demanding an amount of Rs.1,50,000/- as ransom for their release, they were tortured to the maximum.

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

5. The allegations against the petitioners are very grave and serious. The contents of the CD *prima facie* reveal the complicity of the petitioners. Considering the seriousness of the allegations against the petitioners, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same time, the learned counsel for the petitioners seeks for an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the court below, where the petitioners can move for bail. In such case, the

learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/24/2/15

// True Copy //

P.A. To Judge