

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl.No. 154 of 2015

CRIME NO. 1678/2014 OF MARADU POLICE STATION, ERNAKULAM
.....

PETITIONER(S):

**BAIJU P.X., AGED 28,
S/O.XAVIER, PULLUPARAMBIL HOUSE, MARADU,
ERNAKULAM DISTRICT.**

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.154 OF 2015
.....

Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the third accused in Crime No.1678/2014 of the Maradu Police Station, Ernakulam registered for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code.

3. It is alleged that on 02.12.2014 at 9.30 pm, the petitioner, along with A1 and A2 committed trespass into the room wherein the defacto complainant is residing on rent. The petitioner stood as guard at the door of the room and A1 and A2 went inside with a knife and gold chain weighing two and half sovereigns and a gold finger ring weighing three gms. worn by the defacto complainant were snatched away by them by keeping the defacto complainant at knife point. When the defacto complainant attempted to resist, he

was severely beaten up and they took away three mobile phones, lap top and a purse containing an amount of ₹15,000/- etc. belonging to the defacto complainant from the room, and the petitioner along with the other accused swiftly decamped with the booty. The petitioner has been in custody for the period from 03.12.2014 onwards.

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

5. The learned public prosecutor has pointed out that A2 is at large and is yet to be arrested. The allegations against the petitioner are very grave and serious. Investigation of this case is not over. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that the petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

B.A.No.154 of 2015

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[True copy]

P.S. to Judge