

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

BAIL APPL..NO. 198 OF 2015

CRIME NO. 1626/2014 OF KOTTAYAM WEST POLICE STATION , KOTTAYAM

PETITIONER(S)/ACCUSED NO.2 :

**GOPU C.K, AGED 49 YEARS,
S/O.KESAVANKUTTY NAIR, VITHONITHARAYIL, VILOONNI.P.O,
ARPOOKARA, KOTTAYAM DISTRICT-686 008.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.P.M.MANASH**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
(REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KOTTAYAM WEST POLICE STATION-CR.NO.1626/2014 OF
KOTTAYAM WEST POLICE STATION) REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-03-2015, ALONG WITH B.A.NO.9190 OF 2014, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.Nos.9190 of 2014 and 198 of 2015

Dated this the 10th day of March 2015

ORDER

Petitions under Section 438 Cr.P.C.

2. Petitioners in B.A.No.9190/2014 are A4, A5 and A3 and the petitioner in B.A. No.198/2015 is A2 respectively in Crime No.1626/2014 of Kottayam West Police Station registered for the offences punishable under Sections 452, 323, 294(b) and 341 IPC read with Section 34 IPC.

3. The *defacto complainant* had borrowed an amount of Rs.2,00,000/- from the 1st accused on 1.5.2014 on unconscionable interest. The 1st accused had obtained a blank signed cheque leaf of the wife of the *defacto complainant* as security. As the entire amount was not repaid by the *defacto complainant*, the petitioners,

in furtherance of their common intention, came to the house of the *defacto complainant*, criminally intimidated him, and took away his motor cycle bearing Reg. No.KRB-2194. It is alleged that they have wielded sword sticks towards the *defacto complainant* and his wife and beat, fisted and stamped the *defacto complainant* in the house by committing house trespass into it. The *defacto complainant* and his wife were severely abused.

4. Heard the learned counsel for the petitioners, the learned counsel for the *defacto complainant* and the learned senior Public Prosecutor.

5. The contents of the CD, *prima facie* reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. It seems that A1 is a habitual offender and he is involved in a series of serious criminal cases, and proceedings under KAPPA were also taken against him. The other petitioners are close associates of the 1st petitioner, who

is a known goonda.

6. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am satisfied that these are not fit cases, wherein the discretionary relief of anticipatory bail can be granted to the petitioners.

In the result, these Bail Applications are dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge