

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 376 of 2015

Crl.MP 20/2015 of SESSIONS COURT - I, KALPETTA
CRIME NO. 449/2014 OF MEPPADI POLICE STATION , WAYANAD

PETITIONERS/ACCUSED NOS 1 TO 3:

1. OUSEPH K.E @ JILSON AGED 22 YEARS
S/O.EALIAS K O , KUNNARATH HOUSE, MANIKUKNI
KOOLAL, KONNACHAL POST, ERUMADU VILLAGE
NILGIRI DIST
2. BIPIN VARGHESE @ BABAN AGED 27 YEARS
S/O.VARGHESE, KAIYANIKKAL HOUSE, KARIKANNIKUNNU
MANDAD, THRIKKAIPETTA VILLAGE, VYTHIRI TALUK WAYANAD
3. SILJO K E, AGED 25 YEARS
S/O.EALIAS K O, KUNNARATH HOUSE, MANIKUKNI
KODAL , KONNACHAL P OST, ERUMADU VILLAGE
NILGIRI, TAMIL NADU

BY ADV. SRI.A.C.DEVY

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY SR.PUBLIC PROSECUTOR, SHRI C RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.376 of 2015

Dated this the 22nd day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.449/2014 of Meppady Police Station, Wayanaad district registered for the offences punishable under Sections 120(b), 449, 302, 392 and 201 read with Section 34 of the Indian Penal Code.

3. The petitioners are the distant relatives of deceased Annamma @ Chinnamma, aged 67, who was residing alone. It is alleged that the petitioners hatched a criminal conspiracy to commit robbery, by doing away with the deceased. By repeatedly calling over to the mobile phone of the deceased from the mobile

phone of the first petitioner, they made sure that the deceased was present at her house. The first petitioner reached the house of the deceased at 9.15 p.m. on 12.9.2014 by his motor bike after purchasing Mirinda and Paracetamol tablets for making the deceased sleepy. Petitioners 2 and 3 also reached the house by another motor bike. It is alleged that petitioners 1 and 3 gained entry through the front door of the house of the deceased with the permission of the deceased. Second petitioner entered in the toilet at the rear side of the house and hid there. Petitioners 1 and 3, along with the deceased, had supper. Thereafter, they gave the deceased, Mirinda mixed with Paracetamol tablets. After making sure that the deceased was sleeping, they took the second petitioner also inside the house. Thereafter, they went to the bedroom of the deceased and hit on her head with a stone and, indiscriminately cut injuries were inflicted on her by using a chopper and a sickle, thereby causing her death. Thereafter, they ransacked the entire

house and took away a gold chain weighing 34.35 grams, a gold finger ring weighing 3.1 grams, an amount of Rs.750/- and the A.T.M. card of the deceased. They took the mobile phone of the deceased and deleted the incoming calls received by her from the petitioners. They washed the weapons, the room and their clothes. After taking a bath and washing away the blood, they decamped with booty. The petitioners were arrested on 17.9.2014 and thereafter, they have been custody.

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

5. The learned senior Public Prosecutor has pointed out that, as the allegations against the petitioners are very grave and serious, the investigation was swiftly conducted, evidence was collected and the final report has already been filed in the matter. Presently the case is pending as S.C. No.314/2014 before the Additional Sessions Court, Kalpetta. The allegations against the petitioners

are very grave and serious. This is not a fit case wherein the petitioners can be enlarged on bail. The contents of the C.D. *Prima facie* reveal the complicity of the petitioners. Considering all the above, I am satisfied that the petitioners cannot be enlarged on bail.

In the result, this bail application is dismissed. At the same time, the learned Additional Sessions Judge, Kalpetta is directed to expedite the trial of the case, and to dispose of S.C. No.314/2014 as expeditiously as possible.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge