

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 558 of 2015 ()

CRIME NO. 2728/2014 OF KUNNAMKULAM POLICE STATION,THRISSUR DISTRICT

PETITIONER(S)/ACCUSED NOS. 2 & 3:

1. SASI, AGED 50 YEARS, S/O.VELAYUDHAN,
KUMARANELLOOR P.O., PARITHIPRA DESOM,
WADAKKANCHERY VILLAGE, TALAPPALLY TALUK.
2. SHARAFUDEEN @ ASHRAF,
AGED 36 YEARS,S/O.HASSAN,
PUTHANPEEDIKAYIL HOUSE,
WADAKKANCHERY VILLAGE & DESOM,
TALAPPALLY TALUK.

BY ADV. SRI.P.K.SAJEEV

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
RESPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KEALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

B.KEMAL PASHA, J.

.....
B.A. No.558 of 2015
.....

Dated this the 4th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A2 and A3 respectively in Crime No.2728/2014 of the Kunnamkulam Police Station, Thrissur registered for the offence punishable under Section 393 of the Indian Penal Code.

3. The petitioners, along with the 1st accused, had made the defacto complainant believe that he would be given an amount of ₹3 lakhs on payment of ₹1 lakh by the defacto complainant. Attracted by the said offer, the defacto complainant approached the petitioners and the 1st accused at 4 p.m. on 26.12.2014 with an amount of ₹1 lakh. When the petitioners and the 1st accused directed the defacto

complainant to hand over the amount, the defacto complainant insisted that first he should be paid ₹3 lakhs for parting with the amount of ₹1 lakh. Then the petitioners and the 1st accused got furious and attacked the defacto complainant and attempted to snatch away the amount of ₹1 lakh from him. However, he could manage to escape from the clutches of the accused and to report the matter to the police. The petitioners have been in custody for the period from 27.12.2014 onwards.

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

5. It has come out that A2 is a habitual offender involved in four criminal cases, one out of which is a case of robbery in which A1 is also involved. No criminal antecedents have been reported against the 3rd accused, who is the 2nd petitioner herein. Considering the serious criminal back ground of the 1st petitioner, I am of the view that he is not entitled to be enlarged on bail. At the same

time, having regard to the period undergone by the 2nd petitioner in custody and the fact that there is no criminal antecedents on his part, I am of the view that the 2nd petitioner can be enlarged on bail.

6. In the result, this bail application is allowed in part and the 2nd petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The 2nd petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 11.02.2015 for a period of six months.

(ii) The 2nd petitioner shall not tamper with the evidence or influence witnesses.

(iv) The 2nd petitioner shall make himself available for interrogation as and when required

by the Investigating Officer.

(v) The 2nd petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

This petition, as far as the 1st petitioner is concerned, is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge