

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Bail Appl..No. 631 of 2015 ()

AGAINST THE ORDER IN Cr1.M.C. 159/2015 of THE SESSIONS COURT,
ERNAKULAM

AGAINST THE ORDER/JUDGMENT IN CP 19/2014 of ADDL.CHIEF
JUDICIAL MAGISTRATE'S COURT, ERNAKULAM

CRIME NO. 1890/2013 OF PANANGAD POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED NO.3:

SIJU N.D., AGED 35 YEARS,
S/O. DASAN, NELLIKKUNNATH HOUSE, MARADU
NETTOOR.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH

RESPONDENT/COMPLAINANT & STATE:

1. THE STATION HOUSE OFFICER,
PANANGAD POLICE STATION, ERNAKULAM - 682 506.

2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/16/2/15

B.KEMAL PASHA, J.

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B.A. No.631 of 2015

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Dated this the 13th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.1890 of 2013 of the Panangad Police Station, presently pending as C.P. No.19 of 2014 before the Additional Chief Judicial Magistrate's Court, Ernakulam, for the offences punishable under Sections 386 and 395 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 08.07.2013 at 6.00 p.m., they called the defacto complainant over the phone and ordered him to come beneath the railway over-bridge at Nettoor. Complying with the direction, he appeared there. He was

threatened and intimidated to the maximum by telling that he would be attacked, in case he was not parting with an amount of Rs.5,00,000/-. As he became frightened and panic, he heeded to the demand and parted with an amount of Rs.1,00,000/- to the 2nd and 4th accused on 09.07.2013 at 11.00 a.m. Again, he was intimidated and an amount of Rs.25,000/- more was obtained from him by the 5th accused. The petitioner has been in custody for the period from 14.01.2015 onwards.

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

5. It seems that the petitioner is a member of the goonda gang under the leadership of one Bhai Nazeer, who is the 1st accused in the case. The presence of the petitioner at the scene of occurrence has come out. The contents of the CD *prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations

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against the petitioner, I am of the view that he is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/6/2/15

//True Copy//

P.A. To Judge