

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 642 of 2015

CRIME NO. 970/2014 OF KEEZHVAIPUR POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED NO.3:

**FURAD HUSSAIN @ KAMAL SHAKE, MUHAMMED FAROOK,
AGED 34 YEARS, S/O. AJIJUR REHMAN, KABEER SAKTHOLA
RADHA NAGAR, BHEEGAM GUNCH P.O., SAHEB GUNCH DISTRICT
JHARKAND.**

**BY ADVS.SRI.R.MURALEEKRISHNAN
SMT.K.N.RAJANI**

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.642 of 2015

.....
Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.970/2014 of the Keezhvaypur Police Station, Pathanamthitta registered for the offences punishable under Sections 457 461, 380, 120B and 441 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that some time in between 11 p.m. on 23.07.2014 and 9.00 a.m. on 24.07.2014 a large hole was made on the wall of an uninhabited building adjacent to the Jose Jewellery at Mallappally by using weapons, thereby committed trespass into the jewellery. Silver jewellery for 10

kgs. worth ₹4 lakhs and the gold jewellery kept in a locker worth ₹65,25,000/- having a weight of 2.5 kgs along with an amount of ₹1,69,000/- kept in the locker were stolen away, thereby committing theft of articles worth ₹70,94,000/-. Some of the accused were arrested and just 12.86 gms of gold, 639.420 gms of silver and an amount of ₹95,500/- alone could be recovered.

4. It is alleged that the present petitioner along with A1 and A4 had returned to Jharkhand with the booty. It seems that the investigating officer and the police party had reached India - Bangladesh Border, traced out A1, petitioner and A4 and recovered some of the ornaments and cash stolen, along with a gas cylinder, electrical cutting machine etc. A portion of the amount stolen from the jewellery was also recovered and the balance amount was spent by the petitioner and the 2nd accused. Only a portion of the booty was recovered. Ornaments worth huge amounts have to be recovered. The other persons, who are behind the crime,

are also to be unearthed.

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

6. The contents of the C.D prima facie reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner, 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

ul/-

[True copy]

P.S. to Judge