

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 725 of 2015 ()

CRIME NO. 1678/2014 OF MARADU POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/3RD ACCUSED:

**BAIJU P.X., AGED 28 YEARS,
S/O.XAVIER, PULLUPARAMBIL HOUSE, MARADU,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ASHIK K.MOHAMMED ALI
SMT.SAJNA T.UMMER
SMT.V.RAIMA RAMESH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
MARADU POLICE STATION, ERNAKULAM DISTRICT,
(THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM)**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

.....
B.A. No.725 2015
.....

Dated this the 25th day of February, 2015

ORDER

~~~~~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the third accused in Crime No.1678/2014 of the Maradu Police Station, Ernakulam registered for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code.

3. It is alleged that on 02.12.2014 at 9.30 p.m., the petitioner, along with A1 and A2, committed trespass into the room wherein the defacto complainant is residing on rent. The petitioner stood as guard at the door of the room and A1 and A2 went inside with a knife and gold chain weighing 2½ sovereigns and a gold finger ring weighing 3 grams worn by the defacto complainant were snatched away by

them by keeping the defacto complainant at knife point. When the defacto complainant attempted to resist, he was severely beaten up and they took away three mobile phones, lap top and a purse containing an amount of ₹15,000/- etc. belonging to the defacto complainant from the room, and the petitioner, along with the other accused, swiftly decamped with the booty. The petitioner has been in custody for the period from 03.12.2014 onwards.

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

5. The learned Public Prosecutor has pointed out that A2 is at large and is yet to be arrested. The investigating officer has reported that the friends and relatives of the petitioner are indulging in exerting threats and intimidatory tactics towards the *defacto complainant* and his family. The allegations against the petitioner are very grave and serious. Investigation of this case is not over. Considering the seriousness of the allegations against

BA.725/2015

: 3 :

the petitioner and the present stage of investigation, 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)**

aks/25/02

*// True Copy //*

*PA to Judge*