

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1229 of 2015

CRIME NO. 1851/2014 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/11TH ACCUSED :

**AFSAL, S/O.SHANAVAS, AGED 25 YEARS,
PUTHRANTAVILA VEEDU, NEAR VALIYA PALLI, VAKKAM VILLAGE,
VAKKAM DESOM, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM DISTRICT- 682 031.**
- 3. DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM DISTRICT- 695 101.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.1229 of 2015
.....

Dated this the 9th day of March, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 11th accused in Crime No.1851/2014 of Attingal Police Station registered for the offences punishable under Sections 143, 147, 148, 450, 323, 324, 363, 342, 120B, 354 and 307 read with Section 149 IPC.

3. The 1st accused, a person engaged in black magic, with the active assistance of some relatives of the victim girl, who are the associates of the 1st accused, made it appear that the 1st accused had married the victim girl. In fact, no marriage was conducted. She was caught hold of and taken away forcibly and for five years, she was confined and the 1st accused committed rape on her. However, she wanted to escape from the clutches of the 1st accused and

ultimately, she could manage to escape and she went to her mother and stayed along with her. The victim is aged 26, whereas the 1st accused is aged around 60. The 1st accused wanted to abduct the victim again. For abducting the girl, he engaged a quotation gang leader, who is the 10th accused. The present petitioner, along with A12 and A13, are also members of the gang of which the 10th accused is the leader. They conspired together and made a master plan and by using a rented Xylo car driven by the present petitioner, the victim was taken to A1 and ultimately, she was taken to Chennai. In that process, her mother was severely attacked, her modesty was outraged and serious injuries were caused to her with a view to committing her murder. The mother was running from pillar to post to get the whereabouts of the victim. Ultimately, she had approached this Court and on account of the intervention of a Division Bench of this Court, she was traced out from Chennai and she was rescued. The petitioner has been in custody for the

period from 12.02.2015 onwards.

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

5. The allegations against the petitioner are very grave and serious. It seems that the petitioner had received ₹2 lakhs from the 1st accused. Being a hired goonda, the petitioner is not entitled to be enlarged on bail in a serious case like this. The investigation is still going on. Considering all the above, 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/09/03

// True Copy //

PA to Judge