

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 1269 of 2015 ()

CRIME NO. 360/2015 OF VADAKKENCHERRY POLICE STATION, PALAKKAD DISTRICT

APPLICANTS/ACCUSED NOS. 1 TO 4 :

1. RAJU, AGED 28 YEARS
S/O. LAKSHMANAN, CHALLITHARA, PULIKKOOTTAM
MANJAPRA P.O., PALAKKAD.
2. SATHEESH, AGED 24 YEARS
S/O. RAJAN ASARI, CHALLITHARA, PULIKKUTTAM
MANJAPRA P.O., PALAKKAD.
3. SIVADASAN, AGED 27 YEARS
S/O. SWAMINATHAN, CHALLITHARA, PULIKKUTTAM
MANJAPRA P.O., PALAKKAD.
4. MAHESH, AGED 25 YEARS
S/O. VELAYUDHAN, CHALLITHARA, PULIKKUTTAM
MANJAPRA P.O., PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B. KEMAL PASHA, J.

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B.A. No.1269 of 2015

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Dated this the 12th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.360 of 2015 of the Vadakkencherry Police Station, registered for the offence punishable under Section 394 of the Indian Penal Code.

3. The allegation against the petitioners is that on 20.02.2015 at 9.30 p.m., while the defacto complainant and his workers were taking their sowing machine to the paddy field from the road, the petitioners rushed to the spot and obstructed the sowing machine by stating that they had made the road dirty with mud. They demanded an amount

of ₹4,000/- from the defacto complainant. When he refused to pay the amount, he was attacked by the petitioners. He was beaten with stick and he was hit on his head with granite stone by A1 and A2. The other accused slapped and fisted the defacto complainant and his workers and they snatched away an amount of ₹52,600/- from the pocket of the trousers worn by the defacto complainant. They further snatched away a gold chain weighing 1 ½ sovereigns worth ₹30,000/- worn by the defacto complainant and a Samsung Galaxy Note-3 mobile phone worth ₹36,000/- from him, thereby committing robbery to the tune of ₹1,18,600/-.

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

5. The learned counsel for the petitioners has argued that the persons, who were coming to the paddy field with sowing machines, were in the habit of making the road dirty, as mud is being poured on the road, and it was for cleaning the road, that they have demanded an amount of ₹4,000/-.

At the same time, the learned counsel for the petitioners has not made it clear as to what was the authority of the petitioners to demand such an amount from them. This is nothing but clean case of robbery. Matters being so, this is not a fit case wherein anticipatory bail can be granted to the petitioners. The learned counsel for the petitioners has further pointed out that the matter has been amicability settled between the parties. Any settlement cannot be arrived at in an offence like this. If at all any settlement agreement has been entered into between the parties, the judicial exercise can only ill-afford it.

In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/12/3/15

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P.A. To Judge

BA.1269/2015

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