

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Bail Appl..No. 1329 of 2015 ()

CRIME NO. 1202/2014 OF THIRUVALLA POLICE STATION,PATHANAMTHITTA DISTRICT

PETITIONER/1ST ACCUSED:

**ANOOP @ AJESH, AGED 32 YEARS,
S/O.KUNJUMON, SWARNAMALA HOUSE, PARIATTUKADAVU,
VALLAMKULAM KIZHAKKUM MURI, ERAVIPEROOR VILLAGE,
THIRUVALLA TALUK.**

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.1329 OF 2015
.....

Dated this the 17th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.1202/2014 of the Thiruvalla Police Station, Pathanamthitta registered for the offence punishable under Sections 394 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 16.06.2014 at 6 pm, they, with the common intention of committing robbery, wrongfully restrained the defacto complainant and his wife on the road, while they were walking through the road, and beat the defacto complainant. The first petitioner forcibly snatched

away ₹2,500/- and some documents including I.D.Card of his wife, photograph of the mother of the defacto complainant etc. and also his mobile phone worth ₹1,700/-. He was severely beaten up. His wife was also attacked. Thereafter, the accused fled away from the scene with the booty. The petitioner has been in custody for the period from 06.01.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The investigation of this case is over and final report has been filed. The allegations against the petitioner are very grave and serious. At the same time, the learned counsel for the petitioner has pointed out that the other accused who are A2 to A4 have already been enlarged on bail by the court below.

6. The Public Prosecutor has pointed out that the petitioner is an accused in Crime No.44/2015 of the

Thrikodithanam Police Station for the offences punishable under Sections 457 and 380 IPC. According to the learned counsel for the petitioner in that case, the petitioner was enlarged on bail. When the other accused have been enlarged on bail, I am of the view that the petitioner can also be enlarged on bail on strict conditions.

7. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court below and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 24.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above or for appearing before Court, the petitioner shall not enter Pathanamthitta District for a period of six months from today.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge