

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Bail Appl..No. 2373 of 2015 ()

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CRIME NO. 158/2015 OF VAGAMON POLICE STATION, IDUKKI DISTRICT.**

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PETITIONER/ACCUSED:

**JAYAN @ JAYAKUMAR, AGED 26 YEARS,
S/O.KUTTAPPAN, THUDUVAYIL HOUSE,
HIGH SCHOOL BHAGOM, VAGAMON KARA,
VAGAMON VILLAGE, IDUKKI DISTRICT.**

**BY ADVS.SRI.P.K.VARGHESE,
SRI.K.S.ARUN KUMAR,
SMT.M.N.MAYA,
SMT.RESMI THOMAS.**

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 12-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 2373 of 2015

Dated this the 12th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 5th accused in Crime No. 158 of 2015 of Vagamon Police Station, registered for the offences under Sections 323, 324, 395 read with Section 149 of the Indian Penal Code. The prosecution case is that the first accused is an owner of a lorry. The second accused informed the first informant that the lorry of the first accused was for sale pursuant to which the first informant went to meet the first and the second accused; all the accused assaulted the first informant with dangerous weapons and robbed him of Rs.1,87,500/-, three mobile phones and Rs.12,500/-.

3. Heard.

4. Learned counsel submits that the petitioner is only an autorikshaw driver and he only took some of the accused to the place of occurrence and he is not involved in the incident. *Prima facie* this is not acceptable. He had no business to remain at the

place of occurrence if his intention was only to drop the co-accused at the place of occurrence. Learned counsel further submits that the co-accused have been released on bail. But they were granted bail under Section 437 of the Cr.P.C. The facts of the case, incline me to dismiss this anticipatory bail application.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge