

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937H

Bail Appl..No. 5562 of 2015

CRIME NO. 2440/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT.
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PETITIONER/1ST ACCUSED:

**ABDUL RASHEED,
AGED 36 YEARS, S/O.LATE ABOOBACKER,
PUTHENKANDATHIL HOUSE,
NEAR FISH MARKET, KAYAMKULAM P.O**

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT/COMPLAINANT:

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

R1 BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.5562 of 2015

Dated this the 22nd day of September, 2015

ORDER

Application for bail under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.2440 of 2015 of Kayamkulam Police Station. Police registered the above case under Sections 452, 323, 294(b), 341 and 394 of the Indian Penal Code on the allegation that on 18.07.2015 at 7.45 a.m., the petitioner trespassed into the building and attacked the defacto complainant after abusing him. Further, the ATM card and ₹25,000/- belonging to the defacto complainant were robbed.

3. Heard both sides.

4. Learned counsel for the petitioner contended that this is a false case foisted on the petitioner. The defacto complainant promised to let out a building to the petitioner and later he resiled from the promise. Learned counsel appearing for the defacto complainant strongly opposed the bail application contending that even the last week, the petitioner pelted stones to the house of the defacto complainant. Learned Prosecutor strongly

opposed the bail application contending that the petitioner is a known gunda in the locality and he is involved in four cases including one under Section 107 of the Indian Penal Code. It is also contended that the petitioner is included in the rowdy list of the police station.

5. Considering the entire facts and circumstances, I am not inclined to entertain the plea of the petitioner under Section 438 of the Code of Criminal Procedure.

Application is dismissed.

A. HARIPRASAD, JUDGE.

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