

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 5787 of 2015

CRIME NO. 1304/2015 OF KOTHAMANGALAM POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED NO.1:

**SURESH, AGED 27 YEARS,
S/O.KUMARAN, PUTHENPURAYIL HOUSE, NELLIKKUZHY KARA
RAMALLOOR VILLAGE.**

BY ADV. SRI.V.TEKCHAND

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN 682011.**
- 2. SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION, KOTHAMANGALAM-683561.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-10-2015,
ALONG WITH BA. 5452/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

PJ

A. HARIPRASAD, J.

**Bail Appl. Nos.5452 &
5787 of 2015**

Dated this the 6th day of October 2015

ORDER

These bail applications are filed under Secs.438 and 439 respectively of the Code of Criminal Procedure.

2. Petitioners are the accused nos.1 and 4 (accused no.4 in B.A. No.5452 of 2015 and accused no.1 in B.A. No.5787 of 2015) in Crime No.1304 of 2015 of Kothamangalam Police station registered for the offences punishable under Secs.364A and 395 of the Indian Penal Code. The prosecution case in short is that accused nos.1 to 5 with an intention to commit robbery, on 24.07.2015 at 3.15 p.m., detained the defacto complainant and his friend and extracted 5 grms gold ring and Rs.10,000/- (Rupees ten thousand only). The accused in furtherance of their common intention committed robbery of the mobile phone of the friend of the defacto complainant worth Rs.30,000/- (rupees thirty thousand only) from the car of the defacto complainant. They kidnapped the defacto complainant and forced him to compel his friend

to pay ransom by putting him to the fear of death. The first accused was arrested on 26.07.2015.

3. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor.

4. Learned Public Prosecutor opposed the bail applications. It is submitted that the 1st accused is involved in six other crimes and a proceeding under Sec.107 Cr.P.C. Out of the six crimes, he is involved in three other crimes registered under Sec.326 and other offences.

5. Considering the antecedents of the 1st petitioner, I am not inclined to grant bail to him. Therefore B.A. No.5787 of 2015 stands dismissed.

6. Accused no.4 is yet to be arrested. Having heard the counsel on both sides and on a perusal of the report, I am not inclined to grant pre arrest bail to the petitioner. Custody of the petitioner is necessary for effective recovery of the articles involved in the ivory. Therefore following directions are issued.

The petitioner shall surrender before the

Investigating Officer within a period of two weeks and submit himself for interrogation. The Investigating Officer, after interrogation of the petitioner, shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for regular bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/06/10/2015

P.A. To Judge