

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl.No. 8774 of 2014

CRIME NO. 1469/2014 OF KOTTAYAM WEST POLICE STATION, KOTTAYAM
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PETITIONER(S)/ACCUSED NO.8:

**RIYAS, AGED 36 YEARS,
S/O. ASRAF, RESIDING AT VALIYAPARAMBIL HOUSE,
A.K.G. NAGAR, MAY 1ST ROAD, THAMANNAM,
ERNAKULAM DISTRICT.**

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENT(S)/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
KOTTAYAM WEST POLICE STATION, KOTTAYAM - 688 002.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 8774 of 2014

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Dated this the 11th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 8th accused in Crime No.1469/2014 of the Kottayam West Police Station, Kottayam, registered for the offences punishable under Sections 120B, 449, 341, 342, 346, 347, 364A, 506(ii), 419 and 395 read with Section 34 IPC.

3. It is alleged that A1 to A9 had hatched a criminal conspiracy repeatedly with a view to committing abduction of various people for claiming ransom for the release. Pursuant to the conspiracy, they were looking for opportunities to abduct such people. On 10.1.2014 at 3 a.m., A1, A2, A3, A7 and the petitioner along with a woman committed house trespass into the office room of the de facto complainant, aged 62, who is a Chartered Accountant. They committed dacoity of an amount of ₹56,000/- and the diamond finger ring of the de facto complainant. He was

forced to lay along with the woman, who was present along with the accused on a cot and they took photographs. By making use of the said photographs, he was intimidated and he was forcibly taken away by his Verna car to a building at Kumbala and he was wrongfully confined in a house. He was intimidated by demanding an amount of ₹11 lakhs by way of ransom. His brother, Mathew Thomas was asked to transfer an amount of ₹5 lakhs from his bank account to the account of one Abdul Khader.K.Y at the Vijaya Bank. The said younger brother of the de facto complainant swiftly transferred such an amount for the release of his brother. They again demanded the balance amount of ₹6 lakhs and took him to Kottayam. They went along with the de facto complainant to his house from where they obtained an amount of ₹6 lakhs and also they snatched away his car and the documents of the car. They demanded a further amount of ₹ 3 lakhs more for returning the car. The de facto complainant, who had no other gone than to

meet their demands, paid ₹2,20,000/- more. They returned the car; but not the documents of the car. Again, they obtained an amount of ₹80,000/- more from the de facto complainant and then released the documents of the car.

4. Much discussion is not required to conclude that this is not a fit case wherein anticipatory bail can be granted. The contents of the C.D *prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious.

In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

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