

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 8792 of 2014

CRIME NO.1022 OF 2014 OF CHANDERA POLICE STATION, KASARGOD DISTRICT

PETITIONER(S)/ACCUSED:

**SUJESH T.V, AGED 30 YEARS
THADIYAN KOVVAL, UDINOOR P.O., KASARGOD DISTRICT.**

**BY ADVS.SRI.SURESH KUMAR KODOTH
SRI.K.PANTONY BINU**

RESPONDENT(S)/RESPONDENT & STATE:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.8792 of 2014
.....

Dated this the 21st day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1022/2014 of Chandera Police Station registered for the offences punishable under Sections 420 and 120B IPC.

3. The allegation against the petitioner is that he along with A2 and A3 hatched a criminal conspiracy to see that the *defacto complainant* loses his job in gulf. In pursuance of the conspiracy, A1 and A2 handed over some tobacco products, which are prohibited items, to the *defacto complainant* by falsely representing that the same were medicines to be handed over to the 3rd accused in gulf. Believing the representation of A1 and A2, the *defacto complainant* took the said contraband and proceeded to the Karipoor Airport for going to gulf on 09.07.2014. Then, the petitioner and the 2nd accused gave information to the police

that the *defacto complainant* was carrying prohibited items and attempting to transport it to gulf. Ultimately, he was caught red handed at the Karipoor Airport based on the information and he lost his job in gulf.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. Unnecessarily, the *defacto complainant* was implicated in a crime and thereby, he has lost his employment in gulf. The investigation of this case has a long way to go. The allegations against the petitioner are very grave and serious. Matters being so, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/21/01

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PA to Judge