

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 8951 of 2014 ()

**CRIME NO. 1503/2014 OF KAZHAKUTTOM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

APPLICANT/ACCUSED :

**VIJAYAN, S/O. NARAYANAN,AGED 48 YEARS,
CHERUVALLY VEEDU, NJANDOORKONAM,
CHEMPAZHNATHI P.O., SREEKARIYAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.V.C.SARATH

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.8951 of 2014

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Dated this the 7th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.1503 of 2014 of the Kazhakuttom Police Station, registered for the offence under Section 393 IPC.

3. The allegation against the petitioner is that on 22.11.2014 at 5.00 a.m., while the defacto complainant woman, aged 54, was sitting outside her house, beneath the pipe for cleaning pooja vessels, the petitioner rushed to her and closed her mouth and intimidated her by showing a knife and attempted to snatch away the gold chain weighing 3 sovereigns worn by her. She made a hue and cry, which invited the attention of her husband and others. Immediately the petitioner left her and jumped over the compound wall and ran away from the spot.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. At the same time, the learned counsel for the petitioner has pointed out that no criminal antecedents have been reported against the petitioner. Whatever be it, this is not a fit case wherein anticipatory bail can be granted.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where

the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/7/1/15

// True Copy //

P.A. To Judge