

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 19TH DAY OF FEBRUARY 2014/30TH MAGHA, 1935

Bail Appl..No. 9013 of 2014

CRIME NO. 488/2014 OF MALAMPUZHA POLICE STATION , PALAKKAD

PETITIONER(S)/1ST ACCUSED:

**RANJITH RAJ, AGED 27 YEARS
S/O.RAJAN, PUZHAKKAL HOUSE, VARANI
MALAMPUZHA, PALAKKAD DISTRICT.**

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-02-2014,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.9013 2014
.....

Dated this the 19th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.488/2014 of Malampuzha Police Station registered for the offence punishable under Section 392 read with Section 34 IPC.

3. The allegation against the petitioner and other accused is that on 30.10.2014 at 10.30 p.m., they committed theft of ducks being kept by the *defacto complainant* and her husband in a net. They came by a motor bike bearing registration No.KL-08AC-1552. On seeing that the ducks were being taken away, the *defacto complainant* and her husband rushed to the spot and

obstructed them. Then, they snatched away the gold chain from the neck of the *defacto complainant* and attempted to run away. When they obstructed, they were severely beaten up. When the local people attempted to be gathered, the accused ran away from the spot, after leaving their motor bike.

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

5. According the learned counsel for the petitioner, the narration made by the *defacto complainant* in the F.I.Statement is nothing but a cooked up story, which cannot be believed. On going through the narrations made by the *defacto complainant*, I do not think that it is an unbelievable story. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The gold chain snatched away from the neck of the *defacto complainant* is allegedly in the possession of the petitioner, which has not been so far recovered. The investigation has a long way to go.

BA.9013/2014

: 3 :

Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, 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/19/02

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PA to Judge