

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. 9095 of 2014

CRIME NO. 1233/2014 OF CANTONMENT POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/2ND ACCUSED:

**AJIN K.S., AGED 18 YEARS,
S/O.P.A.KHALAM, T.C. 3/1525(14), FLAT NO.102,
LAKSHMI NAGAR-14, PATTOM P.O, THIRUVANANTHAPURAM.**

BY ADV. SRI.LIJU. M.P

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
CONTONMENT POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
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 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.9095 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 second accused in Crime No.1233/2014 of Cantonment Police Station, Thiruvananthapuram registered for the offences punishable under Sections 380 and 457 read with Section 34 IPC.

3. It is alleged that on 04.10.2014 at 9.45 p.m., the 1<sup>st</sup> accused entered in a shop named 'Mobile House' situated at the Capital Tower at Statue junction, Thiruvananthapuram. It is alleged that the petitioner was waiting just in front of the shop by sitting on a Pulsar motor bike, by keep the same ready for ride. The 1<sup>st</sup> accused took two mobile phones worth Rs.17,000/- from the shop, rushed to the motor bike, and climbed on the pillion. The motor bike was swiftly ridden away by the petitioner.

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

5. It seems that the 1<sup>st</sup> accused was arrested on 25.11.2014. According to the learned counsel for the petitioner, the petitioner is a brilliant student and he has no criminal antecedents on his part. Whatever it is, this is not a fit case wherein anticipatory bail can be granted. The contents of the CD prima facie reveal the complicity of the petitioner. The allegation against the petitioner is very grave and serious. The custodial interrogation of the petitioner is required for the continued investigation of this case. Considering all the above, I am of the view that, while dismissing this bail application, an opportunity can be granted 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 petitioners 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)**

aks/21/01

*// True Copy //*

*PA to Judge*