

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943

BAIL APPL. NO. 9471 OF 2021

CRIME NO.1515/2021 OF Fort Kochi Police Station, Ernakulam
AGAINST THE ORDER IN CRMC 2523/2021 OF II ADDITIONAL DISTRICT
COURT, ERNAKULAM

PETITIONER/2ND ACCUSED:

ROJAN PAUL,
AGED 41 YEARS
S/O.PAUL, RESIDING AT VALANTHARA HOUSE, KATTIPARAMBU,
KANNAMALI, NOW RESIDING AT VALANTHARA HOUSE, EZHUPUNNA.
BY ADV D.LEEMA ROSY

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE, FORT KOCHI
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM-682 031.

SMT.T.V.NEEMA, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.12.2021, ALONG WITH Bail Appl..9797/2021, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943

BAIL APPL. NO. 9797 OF 2021

CRIME NO.1515/2021 OF Fort Kochi Police Station, Ernakulam

AGAINST THE ORDER/JUDGMENT IN CRMC 2523/2021 OF II

ADDITIONAL DISTRICT COURT, ERNAKULAM

PETITIONER/1ST ACCUSED:

ANIL KUMAR V.V @ THAMPI,
AGED 43 YEARS
S/O.VISWANATHAN PILLAI, RESIDING AT THOCHINIKAM,
ANANVATHIL, MATTANCHERRY, NOW RESIDING AT
VALIYAVEETIL, POLAKANDAM, KARUVELIPADY.
BY ADV D.LEEMA ROSY

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE, FORT
KOCHI POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682 031.

SMT.T.V.NEEMA, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.12.2021, ALONG WITH Bail Appl..9471/2021, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

[Bail Appl. Nos.9471/2021, 9797/2021]

Both these applications are filed u/s 439 of Code of Criminal Procedure by the accused Nos.1 and 2 seeking regular bail. B.A.No.9797/2021 has been filed by the 1st accused and B.A.No.9471/2021 has been filed by the 2nd accused.

2. The petitioners are the accused Nos.1 and 2 in Crime No.1515/2021 of Fort Kochi Police Station. The offences alleged are under Sections 341, 324, 506(ii) and 394 read with Section 34 IPC.

3. The prosecution case in short is that on 26.10.2021 at about 2.50 pm, the petitioners have committed robbery of Rs.1,000/- by boarding into a service bus bearing registration No.KL-07-BB-9810 owned by the

defacto complainant, which was parked at Fort Kochi private bus stand and the petitioners together have wrongfully restrained the defacto complainant and the conductor of the bus and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted that the petitioners are absolutely innocent and they have been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are entitled to get bail. The learned Public Prosecutor opposed the bail application. She contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioners and if the petitioners are released on bail at this stage, it would

affect the course of investigation.

6. Perusal of the case diary would reveal that *prima facie* there are materials on record to connect the petitioners with the crime. However, the petitioner in B.A.No.9797/2021 was arrested on 29.11.2021 and the petitioner in B.A.No.9471/2021 was arrested on 29.10.2021. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioners is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioners are entitled to be released on bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioners shall be released on bail on executing a bond for Rs.1,00,000/-

(Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioners shall fully co-operate with the investigation.

(iii) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioners shall also appear before the investigating officer as and when required by him.

(iv) The petitioners shall not commit any offence of like nature while on bail.

(v) The petitioners shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other

persons related to the investigation.

(vi) The petitioners shall not leave State of Kerala without the permission of the trial Court.

Sd/ -

DR. KAUSER EDAPPAGATH
JUDGE

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