

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

FRIDAY, THE 27TH DAY OF AUGUST 2021 / 5TH BHADRA, 1943

BAIL APPL. NO. 6018 OF 2021

(CRIME NO.146/2021 KODAKARA POLICE STATION)

PETITIONER/17TH ACCUSED:

ROUF
AGED 36 YEARS
MANAKKAT THEKKEPEEDIKA HOUSE,
PALATHARA DESOM, VELLUR VILLAGE,
PAYYANNUR, KANNUR - 670 522,

BY ADVS.
SUMAN CHAKRAVARTHY
K.R.RIJA

RESPONDENT/COMPLAINANT:

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

BY ADV SHRI.P.NARAYANAN, ADDL.PUBLIC PROSECUTOR

ADGP - SRI. GRACIOUS KURIAKOSE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.08.2021,
ALONG WITH Bail Appl..6214/2021, 6417/2021, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

FRIDAY, THE 27TH DAY OF AUGUST 2021 / 5TH BHADRA, 1943

BAIL APPL. NO. 6214 OF 2021

(CRIME NO.146/2021 OF KODAKARA POLICE STATION, THRISSUR)

PETITIONERS/ACCUSED NO.1 AND 14:

- 1 MUHAMMED ALI,
AGED 34 YEARS
S/O. ABDUL KADER, MASHRIK MAHAL,
MANGATTIDAM, KANDERI, P.O. NIRMALAGIRI,
KANNUR-670701.
- 2 RAHEEM,
AGED 35 YEARS
S/O. NOORUDHEEN, KUNOOL VEED,
SEKEENA MANZIL, MOZHAKKUNNU AMSOM DESOM,
IRITTY, KANNUR-670673.

BY ADV SHANAVAS NALAKATH RANDUPURAYIL

RESPONDENTS/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, THROUGH STATION HOUSE OFFICER,
KODAKARA POLICE STATION, THRISSUR DISTRICT.

BY ADVS.
ADDL.DIRECTOR GENERAL OF PROSECUTION SRI. GRACIOUS
KURIAKOSE

SHRI.P.NARAYANAN, ADDL.PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.08.2021,
ALONG WITH Bail Appl..6018/2021 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

FRIDAY, THE 27TH DAY OF AUGUST 2021 / 5TH BHADRA, 1943

BAIL APPL. NO. 6417 OF 2021

(CRIME NO.146/2021 OF KODAKARA POLICE STATION, THRISSUR)

APPLICANTS/ACCUSED NOS.6 AND 19:

- 1 MARTIN
 AGED 23 YEARS
 SON OF DEVASSY,KOKKADAN HOUSE,
 VELAYANAD DESOM,VADAKKUMKARA VILLAGE,
 THRISSUR - 680 662.
- 2 EDWIN T.W
 AGED 22 YEARS
 SON OF WILSON T.O.,THEKKANATH HOUSE,
 VELLANGALLUR P.O.,VADAKKUMKARA VILLAGE,
 THRISSUR - 680 662.

BY ADV V.A.JOHNSON (VARKKAPPALLIL)

RESPONDENTS/COMPLAINANT AND STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

ADGP - SRI. GRACIOUS KURIAKOSE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.08.2021,
ALONG WITH Bail Appl..6018/2021 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

These are applications for bail moved under Section 439 of the Cr.P.C by accused in Crime 146/2021 of Kodakara Police Station. Petitioners in B.A.No.6417/2021 are accused Nos.6 and 19, whereas 17th accused is the petitioner in B.A.No.6018/2021 and accused Nos.1 and 14 are the applicants in B.A.No.6214/2021. These are second applications for bail moved by them after their earlier applications having been found against by this Court.

2. I heard the learned counsel for the petitioners and also the learned Additional Director General of Prosecution for the State.

3. That was a highway robbery allegedly taken place on 03.04.2021 at 04:40 a.m, near Kodakara over-bridge on the National Highway, NH 544. The crime was registered on 07.04.2021 alleging offence punishable under Section 395 of the IPC, alleging that some identifiable persons had robbed the informant Rs.25,00,000/-, while he was travelling from Kozhikkode to Ernakulam in Ertiga car bearing Reg.No. KL-56G 6786. During course of Investigation, it came out that actual amount involved was Rs.3.5 crores. Whatever it may be,

all the 22 persons including accused Nos.1 to 7 who had actually committed robbery and those who had hatched conspiracy and shared the booty have been brought to book. A final report has been laid against 22 persons. All the 22 persons have been arrested also.

4. By detailed order dated 13.08.2021, in B.A.No.5149/2021 and connected cases, bail was granted to ten accused persons in six bail applications, out of the 22 accused. The main consideration for granting bail was the laying of final report by the police. The court also found that even though it is stated that it was only preliminary final report, overwhelming grounds were not urged for the continued detention of the accused persons. The very same reasonings are applicable here also.

5. Even though the learned Additional Director General of Prosecution has opposed the applications for bail, borrowing the very same reasonings in granting bail to other ten accused, these petitioners also can be released on bail.

Therefore, on the very same considerations, the petitioners shall be released on bail on the following conditions:-

- i) The petitioners shall execute bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
- ii) They shall surrender their passports within ten days from the date of release on bail before the jurisdictional court. If they do not possess passports, affidavits shall be filed to that effect;
- iii) They shall not try to contact or influence the witnesses or tamper with the evidence;
- iv) They shall not enter Thrissur revenue district except for the purpose of attending courts, until further orders;
- v) They shall not involve in any crime during the period on bail;
- vi) They shall appear before the jurisdictional court/committal court as and when required;
- vii) Petitioners shall strictly follow the various guidelines issued by the State and Central Governments with respect to keeping of social distancing in the wake of Covid 19 pandemic;

viii) If any of the above conditions are violated by the petitioners,
the jurisdictional Court will be at liberty to cancel the bail in
accordance with law.

The bail applications are allowed as above.

Sd/-
K.HARIPAL
JUDGE

Jms/27.08

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P.A to Judge