

**Devadas @ Devan vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1349428](https://sooperkanoon.com/1349428)

**Court :** Kerala

**Decided On :** Mar-31-2023

**Judge :** Honourable Mr. Justice a. Badharudeen

**Appeal No. :** Bail Appl./2528/2023

**Appellant :** Devadas @ Devan

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN  
FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945  
BAIL APPL. NO. 2528 OF 2023 PETITIONERS/ACCUSED 3 AND 8 :- 1  
DEVADAS @ DEVAN AGED 46 YEARS SON OF VIJAYAN, RESIDING  
AT SEEMA NIVAS, KOZHOOR, ERAVETTI, KAYALODU,  
KOOOTHUPARAMBA, KANNUR DISTRICT., PIN - 670643 2 NITHIN T.M  
AGED 33 YEARS S/O.VINODAN, RESIDING AT KOOLICHAL HOUSE,  
KOOLAALLOOR, PATHIRIYAD, MAMBRAM, KANNUR DISTRICT., PIN -  
670741 BY ADVS. T.MADHU C.R.SARADAMANI SHAHID AZEEZ  
RENJISH S. MENON RESPONDENTS/STATE :- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF

KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER KALPETTA  
POLICE STATION, WAYANAD DISTRICT, PIN - BY P G MANU, SR.PP  
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
31.03.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **ORDER**

Dated, this the 31st day of March, 2023 This application for regular bail has been filed by accused Nos.3 and 8 in Crime No.65 of 2023 of Kalpetta Police Station, Wayand District.

2. Heard the learned counsel for the petitioners and

the learned Public Prosecutor. Perused the relevant documents form part of the Case Diary along with the report of the Investigating Officer placed by the learned Public Prosecutor.

3. The prosecution case is that at about 11.15 hours on

28.01.2023, accused Nos.1 to 5 kidnapped the de facto complainant in a car bearing Registration No.KL 13 AA 8182 and robbed Rs.3,92,000/- from him. The further allegation is that accused Nos.3 to 5 manhandled the de facto complainant inside the car and they have taken away the above amount, thereafter. The allegation against the 8 th accused is that he had given shelter to accused Nos.1 to 6 and assisted them to commit the crime. Pursuant to the occurrence, crime was registered, acting on the statement given by the de facto

complainant alleging the commission of offences punishable under Sections 365, 395, 120B and 109 of IPC.

4. While pursuing the relief of regular bail to the

petitioners/accused Nos.3 and 8, the learned counsel for the petitioners specifically pointed out the custody of the petitioners from 03.02.2023 and substantial improvement in the investigation.

5. The learned Public Prosecutor opposed grant of bail

on the ground that the complicity of third accused is more than that of the eighth accused. According to the learned Public Prosecutor, the allegations are so serious and even the money alleged to be robbed, was not yet recovered. It is submitted that the petitioners are person having criminal antecedents. Following are the criminal antecedents reported :- Third accused 1) Koothuparambu Police Station in Crime No.

2) Koothuparambu Police Station in Crime No.692/2013 u/s 143, 147, 148, 153 (B), 294 (b), 323, 324, 341, 427

IPC . 3 ) Koothuparambu Police Station in Crime No.568 /2015 u/s 107 Cr PC . 4 ) Kathiroom Police Station in Crime No.210/2009 u/s 379 IPC. Eighth accused 1) Pinarayi Police Station in Crime No.292 /2020 u/s 143 , 147 , 153 r /w 149 IPC. 2) Pinarayi Police Station in Crime No. 266 /2020 u/s 153 , 506 IPC , 120 (O ) KP ACT . 3 ) Manathavadi Police Station in Crime No.306 / 14 u/s 118 (a) OF KP ACT.

6. The prosecution records would reveal that the

allegations are well made out prima facie and the allegations are very serious. It is to be noted that the petitioners are persons having criminal antecedents. The third accused involved in four crimes and one among the crime is theft. The continuous involvement of the petitioners in crimes of heinous nature, is a matter serious concern. This Court, take note of the

same seriously with anxiety. However, in view of the fact that the investigation has achieved much progress and the petitioners have been in custody from 03.02.2023, they can be enlarged on bail by imposing stringent conditions and one among the conditions is that the petitioners shall not involve or indulge in any other crime during the currency of bail and any such event, if reported or came to the notice of this court, the same alone shall be a reason to cancel the bail hereby granted.

7. In view of the above, this petition stands allowed and the petitioners are released on bail, on conditions.

i. The petitioners shall be released on bail on their executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) each, with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court concerned. ii. The petitioners shall not intimidate the witnesses or tamper with evidence. They shall co-operate with the trial and shall be available for trial. iii. The petitioners shall not leave India without prior permission of the jurisdictional court. iv. The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of this case, so as to dissuade them from disclosing such facts to the court. v. The petitioners shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this court, the same shall be a reason to cancel the bail hereby granted.

Sd/- A.BADHARUDEEN JUDGE SMA APPENDIX OF BAIL APPL. 2528/2023  
PETITIONER ANNEXURES :- Annexure-A1 THE TRUE COPY OF THE ORDER DATED FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT, KALPETTA. Annexure-A2 THE TRUE COPY OF THE ORDER DATED FILES OF THE LEARNED SESSION'S COURT, KALPETTA, WAYANAD. Annexure-A3 THE TRUE COPY OF THE ORDER DATED FILES OF THE LEARNED SESSION'S COURT, KALPETTA, WAYANAD

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