

Ajmal vs State of Kerala

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Court : Kerala Orders

Decided On : Nov-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./7927/2020

Appellant : AJMAL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
MONDAY, THE 30TH DAY OF NOVEMBER 2020 / 9TH AGRAHAYANA,
CRIME NO.1080/2020 OF Kuruppampady Police Station, Ernakulam
PETITIONER/S: AJMAL AGED 28 YEARS SON OF
MEERAN,PAZHAMBILLY HOUSE, PANACHIYAM
KARA,ASAMANNOOOR VILLAGE ERNAKULAM BY ADV. SRI.AJEESH
M UMMER RESPONDENT/S: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM R1
BY PUBLIC PROSECUTOR SRI.B.JAYASURYA SR PP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 30.11.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of November 2020 Application for regular bail under Section 439 Cr.P.C. The applicant is the 8th accused in Crime No. 1080/2020 of Kuruppampady Police Station, for having allegedly committed offences punishable under Sections 120B, 365, 368 and 395 of the IPC.

2. The prosecution case, in brief, is that the first accused had some business transactions with the brother of the defacto complainant and certain amounts were owed by him to the first accused. The first accused contacted the applicant and arranged a quotation to kidnap the defacto complainant for the purpose of extortion and robbery and in the prosecution of that conspiracy, the applicant along with the others made arrangements to watch the movements of the defacto complainant and on 30.10.2020 at about 3.10 p.m, at Cherukunnam Vaikkara road, he was

waylaid by accused Nos.1 to 7, kidnapped and taken to another place from where he was robbed of Rs.3,50,000/- which was kept in the dashboard of the car and he was also made to sign several cheques for Rs.4,50,000/-. That apart three stamp papers were also executed.

3. The applicant states that he is innocent

and the allegations are not true and that he has got no active involvement in the alleged crime. Therefore, he may be granted bail since he had been arrested on 02.11.2020 and continues to be in custody.

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

5. The learned prosecutor points out that

the applicant is a person having previous criminal antecedents. It is also pointed out that some of the accused persons involved in this crime are yet to be apprehended. Release of

the applicant at this stage of investiga

Prosecutor.

6. After having heard the submissions on either side, I find that the applicant has been in custody only since 02.11.2020. The investigation is still at a nascent stage and the allegations are very grave. Kidnapping and dacoity are the offences alleged against the

accused. Some of the accused are yet to be apprehended. The release of the applicant who had allegedly taken contract of quotation for the first accused for committing the crime is to be viewed very seriously. An offence committed for remuneration is one of the worst forms of crimes and has to be viewed separately. Under these circumstances, the applicant is not entitled to get bail at this stage of investigation and the application is therefore dismissed. Sd/- ASHOK MENON
JUDGE SPK

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