

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
TRIPUNITHURA**

Present: Miss. Athira R S Panicker, Judicial First Class Magistrate

Dated this the 16th day of August, 2023

CMP No. 1248/2023

(Cr. No. 1131/2023 of Udayamperoor Police Station)

Petitioners/ : A1. Sreeraj E R S/o Rajeev, Ealukad House
Accused Karaparambu, South Paravur P O
Udayamperoor
A2. Kiran S/o Boss, Aged 30/2023
Upputtiparambil House
Kochupally, Udayamperoor P O
A3. Sanoop T S S/o Sadanandan, Aged 32/23
Thattamparambil House, South Paravur P O

(By Adv. V K Kishor)

Respondent/ : State of Kerala represented by the
Complainant Sub Inspector of Police
Udayamperoor Police Station

(By Assistant Public Prosecutor)

Order : Petition dismissed

ORDER

This is an application for bail u/s. 437 Cr.P.C filed by the counsel for the accused Nos. 1 to 3 in Crime No. 1131/2023 of Udayamperoor Police Station.

2. The gist of the prosecution case is as follows:-

At 9.45 pm, on 08.08.2023 at Kochupally Bhagom, Udayamperoor Kara, the accused in furtherance of their common intention to commit

robbery trespassed to the staff residence of M/s. Alok Crane Services and uttered obscene words against the informant. Thereafter the accused voluntarily caused hurt to the informant by beating him with their hands and with a bear bottle. They also vandalized the furniture in the room and wrongfully restrained him and committed robbery of Rs. 7200/- and mobile worth Rs.52,000/- of the informant. Thereby, the accused are alleged to have committed the offences punishable u/Ss. 394, 294 (b), 323, 324, 427 and 342 of the Indian Penal Code.

3. Accused are arrested and produced before the court on 09.08.2023 and they are remanded to judicial custody.

4. Investigating Officer has filed report stating that A1 and A2 are involved in various crimes in different Police Stations. It is also reported that if the accused are released on bail at this juncture, they may commit offences of the same nature, they may intimidate the witnesses and may also abscond.

5. Heard both side. Perused the records.

6. The point to be considered is as to:-

1. Whether the accused Nos. 1 to 3 are entitled to be enlarged on bail?

7. **Point No.1:-** The learned counsel for the accused submitted that, they are not involved in any crime as alleged by the prosecution and had falsely implicated in the above crime. The accused are ready to abide any conditions that may be imposed by this Hon'ble Court for enlarging them on bail. Considering these facts, they may be enlarged on bail.

8. The learned Assistant Public Prosecutor opposed the petition. He submitted that the investigation is not yet completed and if they are enlarged on bail, there is every chance of them intimidating the witnesses and tampering the evidence. He further submitted that the offences are of very serious in nature and thus the application may be dismissed.

9. On perusal of records, it is seen that the offences alleged against the accused are of serious nature. The investigation of the case is not completed. Hence there is every chance of the accused to intimidate the witnesses and tamper with the evidence. The chances of absconding can also not be ruled out. Considering these circumstances and the nature and gravity of the offence alleged and the primary stage of the investigation, I am not inclined to grant bail to the accused at this stage.

10. In the result, the application stands dismissed.

(Pronounced by me in open court on this the 16th day of August, 2023)

Sd/-
Judicial First Class Magistrate
Tripunithura