

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 08TH DAY OF MAY 2020 / 18TH VAISAKHA, 1942

BA NO.2628 OF 2020

(Crime No.182/2020 of Thrissur Town East Police Station, now pending as CC.No.310/2020 before the Judicial First Class Magistrate Court-I, Thrissur)

PETITIONER/ACCUSED:

Shaji @ Bombay Shaji,
S/o.Kumaran, aged 42 years, Chakkalackal House,
Kunnappilly Desom, Meloor Village, Chalakkudy Taluk,
Thrissur District, Pin-680311.

BY ADV.SRI.C.A.CHACKO

RESPONDENTS/COMPAINANT:

1. State of Kerala, Represented by Public Prosecutor, High Court of Kerala, Ernakulam-682031.
2. The Circle Inspector of Police, Thrissur Town East Police Station, Thrissur District, Pin-680005.

By P.P. Sri.Ajith Murali & Santhosh Peter(Sr)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 08.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.No.2628 of 2020

Dated this the 8th day of May, 2020

O R D E R

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the accused in Crime No.182 of 2020 of Thrissur Town East Police Station. The above case is registered against the petitioner alleging offence punishable under Section 379 of the Indian Penal Code. The police filed charge sheet and case is now pending before the Judicial First Class Magistrate Court-I, Thrissur as CC.No.310 of 2020. The petitioner is arrested in this case on 07.02.2020.

3.The prosecution case is that on 07.02.2020, at 9.15 pm, while the de facto complainant was about to board a bus at Thrissur KSRTC bus stand, the petitioner snatched his purse from his pocket which contained Rs1,500/- and a copy of his aadhaar card.

4. The counsel for the petitioner submitted that the petitioner is in custody from 07.02.2020 onwards and he is ready to abide any condition, if this court grant bail to him.

5.The learned Public Prosecutor submitted that the petitioner is involved in 2 other theft cases and 3 NDPS cases and opposed the bail application.

6.After hearing both sides, according to me, this is not a fit case, in which the bail can be granted. The petitioner is involved in a theft case. Two other theft cases are also registered against him. He is also involved in 3 NDPS cases. In such cases it is not correct to release the petitioner at this stage, when the matter is pending before the learned Magistrate for trial. In such circumstances, I think this is not a fit case in which the petitioner is entitled for bail at this stage.

7. Moreover, the jurisdiction to grant bail has to be exercised on the well settled principles laid down by the Hon'ble Supreme Court in **Chidambaram P v Central Bureau of Investigation (AIR 2019 SC 5272)** the following factors are to be taken into consideration while considering the

application for bail.

(i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution;

(ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses;

(iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence;

(iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused;

(v) larger interest of the public or the State and similar other considerations.

It is true that there is no hard and fast rule regarding grant or refusal to grant bail. Each case has to be decided on

the basis of the facts and circumstances of that case. In the light of the general principles laid down in the above judgment and considering the facts and circumstances of this case, I am of the opinion that this is not a fit case in which the petitioner can be released on bail. Hence this Bail Application is dismissed.

P.V.KUNHIKRISHNAN, JUDGE

YKB