

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 05TH DAY OF MAY 2020 / 15TH VAISAKHA, 1942

BA TMP.NO.96 OF 2020

(Crime No.273/2020 of Thrissur Town East Police Station,
Thrissur District)

Petitioner/ Accused

Devi, aged 32, W/o Ayyappan, Door No.12,
Parappetty Village, Dindigul, Tamilnadu

BY ADV.SRI.SAIJO HASSAN

Respondent/State:-

1. State of Kerala, represented by the Public Prosecutor,
High Court of Kerala, Ernakulam-31.
2. The Sub Inspector of Police, Thrissur Town East Police Station,
Thrissur District

BY P.P.SRI.AJITH MURALI & SANTHOSH PETER(SR)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 05.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.TMP.No.96 of 2020

Dated this the 5th 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. 273 of 2020 of Thirssur Town East Police Station. The above case is registered against the petitioner alleging offences punishable under Section 392 of IPC. Petitioner was arrested on 12.03.2020 and she is in custody.

3.The prosecution case is that the petitioner committed robbery. The theft article includes money, Aadhar Card etc.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence, she is ready to abide any conditions, if this Court grant her bail. He further submitted that, the accused in custody from 12.03.2020

5. The learned Public Prosecutor opposed the bail application. He submitted that the petitioner is involved in another theft case registered at Kodugaloor Police Station, with similar allegation.

6. After hearing both sides, according to me, this is not a fit case, in which the bail can be granted. The offence alleged against the petitioner is under Section 392 of IPC. Moreover, she is involved in another theft case registered by the Kodugaloor Police. She was arrested only on 12.03.2020. In such circumstances, I will not be in the larger interest of the society to release the petitioner on 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

VPK