

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF DECEMBER 2013/3RD POUSHA, 1935

Bail Appl..No. 8546 of 2013 ()

AGAINST THE ORDER IN Bail Appl. 8248/2013 of HIGH COURT OF KERALA
DATED 11-12-2013

CRIME NO. 451/2013 OF KOLLAM WEST POLICE STATION, KOLLAM

PETITIONER/ACCUSED NO.5 (IN JUDICIAL CUSTODY):

SAJI @ SAJIMON, AGED 38 YEARS
S/O SHAMSUDHEEN, FAYIS MANZIL (PULIMOOTTIL HOUSE)
JONAKAPPURAM, PALLITHOTTAM WARD, KOLLAM WEST VILLAGE
KOLLAM.

BY ADV. SRI.JOSEPH SEBASTIAN (KOLLAM)

COMPLAINANT(S)/RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY SMT.LASIZA.T.U, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RKC

B.KEMAL PASHA, J.

B.A. No. 8546 of 2013

Dated this the 24th day of December, 2013

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 5th accused in Crime No.451/2013 of Kollam West Police Station registered for the offences punishable under Sections 450, 395 and 427 of the Indian Penal Code and also under Section 27 of the Arms Act.

3. The allegation against the petitioner and other accused is that on 25-4-2013 at about 5.40 p.m. they trespassed into the Dona Castle Bar with deadly weapons and damaged valuable articles therein, thereby causing a wrongful loss of ₹5,00,000/- to the Bar and also took away an amount of ₹75,000/- from the cash counter of the Bar. The petitioner was arrested on 17.11.2013.

4. Heard the learned counsel for the petitioner and

the learned Public Prosecutor. It has been pointed out that all the other accused in the case are on bail, and bail has been denied to the petitioner herein on the ground that he is an accused in the other two crimes. The learned counsel for the petitioner has pointed out that in the case relating to one of such crimes, the petitioner was acquitted. Regarding the other crime, the learned counsel for the petitioner submits that the case against the petitioner has been quashed by this Court. Considering the present stage of investigation, and the fact that all the other accused are on bail and also having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner also can be enlarged on bail on conditions.

5. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on executing a bond for ₹50,000/-(Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(1) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Tuesdays and Fridays, commencing from 31-12-2013 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(2) The petitioner shall not tamper with the evidence or influence witnesses.

(3) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(4) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

B.KEMAL PASHA, JUDGE

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