

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Bail Appl..No. 9155 of 2014 ()

CRIME NO. 1858/2014 OF VADAKKENCHERRY POLICE STATION, PALAKKAD DISTRICT

APPLICANT/ACCUSED:

**MANIKANDAN, AGED 33 YEARS,
S/O.CHAMI, KAVARATHARA, PATTOLA,
MANAPPADAM, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-12-2014,ALONG WITH BA.NO.9161 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

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B. KEMAL PASHA, J.

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B.A. Nos.9155 & 9161 of 2014
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Dated this the 30th day of December, 2014

ORDER

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Petitions filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1858/2014 of Vadakkencherry Police Station registered for the offence punishable under Section 436 IPC.

3. The allegation against the petitioner is that, during the night of 05.05.2014, he set fire to the APE passenger autorickshaw of the de facto complainant, bearing registration No.KL-49E-8980, which was parked at the courtyard of his house, for which Crime No.649/2014 was registered for the offence punishable under Section 436 IPC. Thereafter, again, on 28.11.2014, the petitioner set fire to the said autorickshaw, thereby causing total damage and a wrongful loss of ₹2,50,000/- to the de facto complainant.

The petitioner has been in custody for the period from 02.12.2014 onwards.

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

5. No other criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of the case. The learned Public Prosecutor has pointed out that the de facto complainant has sustained a wrongful loss of ₹2,50,000/-. Having regard to the period undergone by the petitioner in custody and the absence of criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail by making a provision for compensating the loss sustained to the de facto complainant.

6. In the result, these Bail Applications are allowed and the petitioner shall be enlarged on bail on his executing

a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall furnish his property as security for ₹2,50,000/- and shall produce the original title deed before the court below, and shall execute an indemnity bond for ₹2,50,000/- in favour of the court below with two solvent sureties for the like sum each.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 02.01.2015 for a period of six months.

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

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

(v) *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.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/30/12

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PA to Judge