

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 6 of 2015

**CRIME NO. 1368/2014 OF VATTIYOORKAVU POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/2ND ACCUSED :

**VIVEK MOHAN @ MITTU, AGED 21 YEARS,
S/O.MOHAN, KALLARATHALAKUZHI VEEDU, PALLIMUKKU,
PEYADU, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No.6 of 2015

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Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1368 of 2014 of the Vattiyoorkavu Police Station, Thiruvananthapuram City, registered for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

3. It is alleged that the petitioner was riding on a motorbike with the 1st accused as its pillion rider, and came near the defacto complainant woman, who was walking through the road. He stopped the motor bike and the 1st accused swiftly snatched away the gold chain weighing 3 sovereigns from the neck of the defacto complainant. Then the 1st accused got on the pillion of the motorbike and they rode away.

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

5. The learned counsel for the petitioner has pointed out that no criminal antecedents have been reported against the petitioner. The 1st accused was arrested and the gold chain was recovered. Those things do not entitle the petitioner to the discretionary relief of anticipatory bail in a case like this. This is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, as no criminal antecedents have been reported against the petitioner, I am of the view that an opportunity can be given to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned

Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/11/2/15

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P.A. To Judge