

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 226 of 2015

CRIME NO. 2280/2014 OF ADOOR POLICE STATION, PATHANAMTITTA DISTRICT.

PETITIONER/ACCUSED NO.1:

**YOUNUS KUTTY, AGED 31 YEARS,
S/O. SAYED SULAIMAN,
AYANIMOOTTIL VEEDU, CHACHIPUNNA,
PUNNALA P.O., KOLLAM DISTRICT.**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS.S
SRI.H.NUJUMUDEEN
SRI.P.V.JEEVESH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY S.H.O,
ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.226 of 2015

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Dated this the 24th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.2280 of 2014 of the Adoor Police Station, pending investigation for the offences punishable under Sections 379, 471 and 468 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he committed theft of the copies of the records of Torus lorry bearing registration No.KL-25-E-7218 belongs to the defacto complainant and handed over the same to the 2nd accused, who made use of those documents as genuine in respect of another Torus lorry after boring and changing the chassis number and engine number of the said Torus lorry of the 2nd

accused.

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

5. The learned counsel for the petitioner has pointed out that the petitioner was earlier working as the Driver of the Torus lorry of the defacto complainant and the crime has been registered after five months of the alleged incident. It has been pointed out that, it is the 2nd accused, who was also a Driver of the defacto complainant, who had made use of the said documents as genuine in respect of another Torus lorry. The only allegation against the petitioner is that he has taken away the photocopies of some documents relating to the Torus lorry. All the main overt acts are alleged against the 2nd accused. Considering the facts and circumstances of the case, I am of the view that this is not a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Considering all the above, I am of the view that anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 03.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/24/2/15

// True Copy //

P.A. To Judge