

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 268 of 2015 ()

(AGAINST THE ORDER/JUDGMENT IN CRMC 1143/2014 of D.C.& SESSIONS
COURT,MANJERI DATED 18-08-2014
CRIME NO. 819/2014 OF KONDOTTY POLICE STATION , MALAPPURAM)

PETITIONER(S)/ACCUSED NO.1:

YASAR, N AGED 25 YEARS
S/O.SAINUDHEEN, NARIPATTA HOUSE, MANGALAM AMSOM DESOM
TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM
THROUGH SUB INSPECTOR OF POLICE
KONDOTTY POLICE STATION, MALAPPURAM.

R BY PUBLIC PROSECUTOR ABHIJITH LASH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-06-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SUNIL THOMAS, J.

B.A. No.268 OF 2015

Dated this the 25th day of June, 2015

O R D E R

The first accused in Crime No.819/2014 of Kondotty police Station for offence punishable under Section 420 read with Section 34 of the IPC is the applicant herein.

2. The allegation of the prosecution is that the applicant herein got possession of an innova car belonging to the de facto complainant on rental basis and thereafter he did not return it. Investigation reveals that he had handed it over to the 2nd and 3rd accused who, thereafter sold it accused 4 and 5 who are persons belonging to Andhra Pradesh. Pursuant to the complaint lodged, the crime was registered and accused 2 and 3 were arrested. Accused 4 and 5 could not be arrested even now. The first accused seeks anticipatory bail.

3. Heard and examined the records.

4. In fact, the applicant herein had moved this Court by order dated 16/9/2014 in B.A.No.6510/2014, which was dismissed by this Court, however, permitting him to surrender before the learned Jurisdictional Magistrate. He did not comply

with the above order. Now, he has sought for fresh bail. The learned counsel for the applicant contended that the vehicle has been seized thereafter and considering the change of circumstances, he may be granted bail

5. As evident from the order, the bail application was rejected by this Court earlier, not only on the ground that the vehicle was not recovered, but it was for facilitating a proper investigation and considering the gravity of the offence involved. Hence, the recovery of the vehicle cannot be considered as a change of circumstance warranting consideration of the second bail application.

6. The learned Public Prosecutor, on instructions, submitted that the present accused is involved in Crime No.1138/2013 of Manjeri Police Station, which is also an offence of similar nature.

Considering the entire facts, I feel that granting of anticipatory bail may not be justified. The petition is, accordingly, dismissed.

Sd/-

SUNIL THOMAS
Judge

dpk

/True copy/ PS to Judge.

