

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 408 of 2015

CRIME NO. 1452/2014 OF FORT KOCHI POLICE STATION, ERNAKULAM.
.....

PETITIONER/1ST ACCUSED:

**AJITH C.S., AGED 24 YEARS,
S/O.LATE MOHANAN,
CHARUVILA PUTHENVEEDU, VIKAS NAGAR,
THIRIPUNITHURA P.O., KOCHI-682301.**

**BY ADVS.SRI.RAAJESH S.SUBRAHMANIAN
SRI.V.R.RAJESH**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
FORT KOCHI POLICE STATION, FORT KOCHI.**

BY PUBLIC PROSECUTOR MR.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.408 of 2015
.....

Dated this the 27th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.1452/2014 of Fort Kochi Police Station pending investigation for the offences punishable under Sections 379, 411, 414 and 201 read with Section 34 IPC.

3. Motor cycle bearing registration No.KL-43D-7524 belongs to the *defacto complainant* was found stolen from his house on 16.07.2014, for which Crime No.1452/2014 was registered. It has come out that A2, A3 and A4 had committed theft of the motor bike and handed over the same to the petitioner. The petitioner swiftly dismantled the vehicle into various parts and supplied it to different persons.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. On going through the facts of the case, I think that the custodial interrogation of the petitioner is required for the continued investigation of this case. At the same time, no criminal antecedents have been reported against the petitioner. Considering the above, I am of the view that, while dismissing this bail application, an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation and to effect recovery of the weapon used.

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)**

aks/27/01

*// True Copy //*

*PA to Judge*