

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Bail Appl..No. 422 of 2015 ()

CRIME NO. 9/2014 OF THE AGATHI POLICE STATION, LAKSHADWEEP

PETITIONER :

**ABOOBACKER P., AGED 35 YEARS
S/O. MUHAMMED KOYA, PONTINODA HOUSE,
AGATHI ISLANDS, U.T. OF LAKSHADWEEP.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT :

- 1. THE UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
AGATHI POLICE STATION, LAKSHADWEEP, PIN-682553.**

R1 & R2 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.422 2015
.....

Dated this the 26th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.9/2014 of Agathi Police Station, Lakshadweep, registered for the offences punishable under Sections 380 and 457 IPC.

3. The allegation against the petitioner and other accused is that during the night of 11.10.2014, they committed lurking house trespass into the Government Basic School at Agathi and committed theft of 5 copper vessels and its copper lids. It is alleged that after the theft, they cut the vessels into pieces and sold a portion and retained the remaining portion, which was subsequently disinterred.

4. Heard learned counsel for the petitioner and

learned Standing Counsel for Lakshadweep Administration.

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. Even though the pieces of the vessels could be recovered, the implements used for the theft as well as for cutting the vessels into pieces, have not yet been recovered. This is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. The allegations against the petitioner are very grave and serious. Considering the facts and circumstances of the case, I am of the view that the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for an opportunity 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)**

aks/26/02

*// True Copy //*

*PA to Judge*