

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 649 of 2015

CRIME NO. 1141/2005 OF CENTRAL POLICE STATION, ERNAKULAM.
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PETITIONER/1ST ACCUSED:

**ASHRAF, SON OF V.K.MOHAMED,
PARAMBATH, CHULLIYODE ROAD,
CIVIL STATION ROAD, KOZHIKODE.**

**BY RI.GRASHIOUS KURIAKKOSE(SENIOR ADVOCATE)
ADV. SRI.T.P.SAJAN**

RESPONDENT:

**SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
ERNAKULAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SRI.K.I.ABDUL RASHEED, ADDL. D G P

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No. 649 of 2015

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Dated this the 30th day of January, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1141/2005 of the Central Police Station, Ernakulam, presently pending as C.C.No.5/2013 before the VIth Additional Sessions Court, Ernakulam, registered for the offences punishable under Sections 135 and 136 of the Electricity Act and Section 379 of Indian Penal Code.

3. The allegation against the petitioner is that during the year 2005, he committed theft of electricity worth ₹62,000/-. He was on bail and he used to appear/represented before the court below. On 30.08.2014, the counsel appearing for the petitioner had to attend a funeral of his relative and therefore he could not appear before the court below. Even though he had made arrangements with his clerk, the matter was not represented in time

and therefore, warrant was issued against the petitioner.

4. On 29/01/2015, the petitioner appeared before the court below and filed an application for getting the non-bailable warrant recalled. The court below remanded the petitioner to custody.

5. Heard learned senior counsel for the petitioner and the learned senior Public Prosecutor.

6. The learned senior counsel for the petitioner has pointed out that the amount involved had already been remitted years back. The petitioner had never willfully disobeyed the orders of the court or violated the bail conditions. Considering the facts and circumstances pointed out by the learned senior counsel for the petitioner, I am of the view that this is a fit case wherein the petitioner can be enlarged on bail.

7. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹50,000/- (Rupees Fifty thousand only) with two solvent sureties

for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

(i) The petitioner shall appear before the court below as and when required by the court below.

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

(iii) 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

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P.A. to Judge.