

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No.729 of 2015

(CRIME NO.572/2014 OF PEERMADE POLICE STATION,IDUKKI DISTRICT).

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APPLICANTS/2ND & 3RD ACCUSED:

1. SUBASH,S/O.SUDHARSANAN,AGED 23 YEARS,
MULLASSERIL HOUSE,CHINNAR KARA,ELAPPARA VILLAGE.
2. VISHAKAN @ KANNAN,S/O.VIJAYAN,AGED 31 YEARS,
CHEPPARAYIL HOUSE,CHINNAR KARA,ELAPPARA VILLAGE.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.
SRI.SHINE VARGHESE
SMT.N.C.SALINI
SRI.C.RADHAKRISHNAN

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE,PEERMADE POLICE STATION,
IDUKKI DISTRICT-685531.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

pk

B.KEMAL PASHA, J.

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B.A. No. 729 of 2015

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Dated this the 12th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A2 and A3 in Crime No.572/2014 of the Peermade Police Station registered for the offence punishable under Section 379 read with Section 34 IPC.

3. The allegation against the petitioners and the other accused is that on 23.9.2014 at 3 a.m, they committed theft of the battery of lorry bearing Regn. No.KEF-3668 and committed theft of around 50 litres of diesel from the diesel tank of the lorry. As somebody saw the incident, they left the battery on the road and escaped with the diesel filled in their vehicles.

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

5. The contents of the C.D. *prima facie* reveal the complicity of the petitioners. The allegations against the petitioners

are very grave and serious. This is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same time, when no criminal antecedents have been reported against the petitioners, I am of the view that an opportunity can be granted to the petitioners to surrender before the investigating officer in order to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the concerned Judicial First Class Magistrate's Court, where the petitioners 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

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