

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No.1333 of 2015

(CRIME NO.172/2014 OF MUNAMBOM POLICE STATION,ERNAKULAM).

...

PETITIONER:

**SOUJATH M.S,AGED 40 YEARS,
W/O.ABDUL JABBAR K.A.,KADABVIL HOUSE,
CHERAI P.O.,PALLIPPURAM,
ERNAKULAM DISTRICT - 683 514,
PRESIDENT,VYPEEN BLOCK PANCHAYAT.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT:

**STATE OF KERALA,(REP. BY THE SUB INSPECTOR OF POLICE,
MUNAMBAM POLICE STATION,CR.NO.172/2014 OF
MUNAMBAM POLICE STATION), REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

B.A.No.1333 of 2015 B

Dated this the 11th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.172/2014 of Munambam police station registered for the offence punishable under Section 379 read with Section 34 of the I.P. C.

3. The petitioner is the President of the Vypeen Block Panchayat. It seems that the Panchayat has taken a decision to cut and remove the over hanging branches of a valuable tree in the compound of the Panchayat office, which is standing in a slanting position on to the roof. A2 was engaged for the said purpose and an amount of ₹8,000/- was paid. It seems that A2 had engaged another person to cut down the branches and sold the timber to A3 for an amount of ₹7,000/-

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

5. It seems that apart from taking a decision and engaging A2 to cut down the branches of the trees, the petitioner had no role at all in the incident. It seems that the entire pieces of timber allegedly removed, have been recovered. This is not a case wherein the custodial interrogation of the petitioner is required for the continued investigation of the case. Matters being so, considering the facts and circumstances of the case and the limited role by the petitioner in the incident, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

5. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of her arrest on her executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each

for the like sum to the satisfaction of the officer conducting arrest,
and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 18.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

dl

// TRUE COPY //

PA to Judge