

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Bail Appl..No. 1390 of 2015 ()

**CRIME NO. 94/2015 OF VARKALA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED NO. 1 TO 4 :

- 1. JYOTHI , AGED 30 YEARS,
D/O.RAJESWARI, DOOR NO.114, THOOTHUKUDI,
KANYAKUMARI.**
- 2. KASTHOORI, AGED 27 YEARS
D/O.VELLAYAMMA, KUMARAPALAYAM, DOOR NO.14,
THOOTHUKUDI, KANYAKUMARI.**
- 3. NANDINI, AGED 25 YEARS,
D/O.RAJESWARI, DOOR NO.114, THOOTHUKUDI,
KANYAKUMARI.**
- 4. MARI, AGED 24 YEARS,
D/O.VELLAYAMMA, KUMARAPALAYAM, DOOR NO.14,
THOOTHUKUDI, KANYAKUMARI.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1390 of 2015

.....
Dated this the 17th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A4 respectively in Crime No.94/2015 of the Varkala Police Station, Thiruvananthapuram registered for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 13.1.2015 at 12.30 p.m., while the de-facto complainant was travelling by a bus, the petitioners were also present in the bus with the intention of committing pick pocketing and they committed theft of an amount of Rs.2,000/- from the shoulder bag of the de-facto complainant, after creating a

false rush in the bus. The petitioners have been in custody for the period from 13.1.2015 onwards.

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

5. The learned Public Prosecutor has pointed out that the petitioners are the accused in two other crimes involving similar offences. The petitioners are persons hailing from Tamil Nadu, and are habitual offenders involved in a series of theft cases. The learned counsel for the petitioner has pointed out that in the other two cases the petitioners have been acquitted. It is true that final report has been filed in the matter; but, still the trial is not over. The learned counsel for the petitioners has pointed out that the 4th petitioner is in the advanced stage of pregnancy and her condition is somewhat critical. Considering the facts and circumstances of this case, I am of the view that the petitioners can be enlarged on bail on strict conditions which are sufficient to make their continued presence available for trial.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 24.03.2015 for a period of six months.

(ii) Both the sureties shall be from the State of Kerala and they shall undertake that they will produce the petitioners, as and when required, either before the investigating officer or the court below. The sureties shall produce the title deeds before the court below for perusal.

(iii) The petitioners shall not leave the local limits of the Varkala Police Station,

Thiruvananthapuram without the permission of the court below, till the disposal of the case.

(iv) The petitioners shall not tamper with the evidence or influence witnesses.

(v) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vi) The petitioners 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

ul/-

[True copy]

P.S. to Judge