

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 1438 of 2015

**CRIME NO.196 OF 2015 OF PATHANAMTHITTA POLICE STATION ,
PATHANAMTHITTA DISTRICT**

PETITIONER(S) :

**MADHU, AGED 28 YEARS,
S/O.KUNJU PILLAI, KOOPAMANNIL VEEDU, PARAYANALIL,
OMALLOOR P.O., KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.S.SIVA KUMAR
SRI.C.B.SREEKUMAR**

RESPONDENT(S)/ STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. STATION HOUSE OFFICER,
PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA- 689 645.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

.....
B.A.No. 1438 of 2015 (D)
.....

Dated this the 25th day of June, 2015

ORDER

The petitioner is the accused in Crime No.196 of 2015 of Pathanamthitta Police Station registered under Sections 450 and 436 of the Indian Penal Code.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

3. The prosecution allegation is that on 05.02.2015 at 2 a.m., the petitioner trespassed into the compound of the house of the de facto complainant and set fire the activa scooter bearing registration No.KL-3V-5564 kept there. The windows of the said house were also burnt in the incident, causing a loss to the tune of Rs.80,000/- to the de facto complainant.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing this application, if the petitioner is prepared to deposit some amount before the court as a condition precedent to execute the bail bond. The learned counsel for the petitioner

has submitted that the petitioner is prepared to deposit an amount of Rs.30,000/- as a condition precedent to grant the relief under Section 438 of Cr.P.C. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. The petitioner and the de facto complainant are close relatives. Considering the facts and circumstances of the case including the relationship between the de facto complainant and the petitioner and also taking note of the fact that the petitioner is a first time offender, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this bail application stands allowed and the respondents are directed to release the petitioner on bail in the event of his arrest in connection with Crime No.196 of 2015 of Pathanamthitta Police Station, on condition of the petitioner executing a bond for Rs.30,000/- (Rupees Thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the 2nd respondent before whom the petitioner

shall surrender within ten days from today and subject to the following conditions:-

1. The petitioner shall deposit Rs.30,000/- before the 2nd respondent at the time of surrender before the 2nd respondent.
2. The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for six months or till the filing of the final report, whichever is earlier.
3. The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.
4. The petitioner shall not get involved in any offence during the pendency of this case.

I make it clear that if the petitioner deposits the amount as directed above, the 2nd respondent shall deposit the said amount before the court of jurisdictional Magistrate on the date of deposit itself.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

AMV/25/06/

/TRUE COPY/

P.A.TO JUDGE

