

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1808 of 2015

CRIME NO. 137/2015 OF NADAPURAM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**PRADEEPAN, AGED 34 YEARS
S/O.KANNAN, THAZHE PULIYULLATHIL HOUSE
NARIPPATTA AMSOM DESOM, NARIPPATTA P.O., VATAKARA TALUK
KOZHIKODE DISTRICT PIN - 673 506.**

**BY ADVS.SRI.K.K.BALAKRISHNAN (KODIYURA)
SRI.K.R.AVINASH (KUNNATH)**

RESPONDENT(S)/COMPLAINANT & STATE:

**1. THE STATION HOUSE OFFICER
NADAPURAM POLICE STATION
KOZHIKODE DISTRICT -673 506.**

**2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.1808 of 2015

.....
Dated this the 31st day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 41st accused in Crime No.137/2015 of the Nadapuram Police Station, Kozhikode registered for the offences punishable under Sections 143, 147, 148, 294(b), 452, 427, 395 and 436 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 23.01.2015 at 4.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and trespassed into the house of the defacto complainant, set fire to the *Innova Car* and also a motorbike, which was parked at the car porch and

committed dacoity. It seems that 82 sovereigns of gold ornaments and an amount of Rs.2 lakhs were taken away from the house and set fire to all the furniture in the house, the household articles, and the house itself. The defacto complainant has sustained a wrongful loss of Rs.1,50,000,00/-. The petitioner has been in custody for the period from 10.03.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Senior Public Prosecutor. Perused the CD.

5. The learned counsel for the petitioner has argued that the petitioner is not a resident of the locality, whereas he is residing 15 kms. away from that place. It is a fact that the defacto complainant has sustained a wrongful loss of Rs.1 crore in the matter. All the other accused are yet to be arrested, as they are absconding. No criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody and the absence of any criminal antecedents on his part, I am of the

view that the petitioner can be enlarged on bail, by making a provision for compensating the loss sustained to the defacto complainant, at least in part.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties 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 petitioner shall deposit an amount of ₹50,000/- (Rupees fifty thousand only) before the court below within a period of one month from today and the said amount shall be kept in deposit till the disposal of the case.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 07.04.2015 for a period of six months.

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

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) 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

ul/-

[True copy]

P.S. to Judge