

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 1871 of 2015

**CRIME NO. 37/2005 OF PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA DISTRICT.**
.....

PETITIONER/ACCUSED:

**SREEJITH G GITH, AGED 28 YEARS,
S/O.OMANAKUTTAN, KADAKKILATHU VEEDU,
PUTHENPEDIKA MURI, CHENGANNUR VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No. 1871 OF 2015

.....
Dated this the 7th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.37/2005 of the Pathanamthitta Police Station, registered for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

3. The case had originated in the year 2005. The allegation against the petitioner is that he, along with other accused, came by a motorbike and snatched away gold a chain from the neck of CW1. The final report has been filed in the year 2005 and the case was taken into file as C.C.1657/2005. The petitioner has absconded and his case was removed to the L.P. Register as L.P.No.40/2008.

Thereafter, the accused was arrested and produced in the year 2009 and his case was refiled as C.C.No.455 of 2009. Bail was granted to the accused. It seems that again he jumped bail and absconded. Again he was arrested and produced before court on 22.03.2015.

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

5. Clearly, this is not a case wherein bail can be granted, as, while on bail, the petitioner jumped bail twice. At the same time, it seems that it would take some more time to dispose of the case against him and therefore, considering the submissions made by the learned counsel for the petitioner, I am of the view that the petitioner can be enlarged on bail, on strict conditions.

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) Both the sureties shall produce solvency certificates for ₹1,00,000/-(Rupees one lakh only) each.

(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 14.04.2015 for a period of six months.

(iii) The petitioner shall surrender his passport before the court below, and in case he has no passport, he shall file an affidavit to that effect before the court below.

(iv) The petitioner shall not visit his house wherein his father, mother and brother are residing, until further orders.

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

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

(vii) 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