

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl..No. 2167 of 2015

**CRIME NO. 302/2015 OF CANTONMENT POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/1ST ACCUSED (IN CUSTODY) :

**SABEESH, S/O.BABU, AGED 26 YEARS,
TC.11/1159, VANA JALAKSHMI VILAKAM, THOPPIL VEEDU,
OOTTUKUZH, CHARACHIRA, NANTHENCOD,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU
SRI.V.A.VINOD**

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, THIRUVANANTHAPURAM- 695 001**

BY PUBLIC PROSECUTOR SMT.SHEEBA.M.T

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

BABU MATHEW P. JOSEPH, J.

B.A.No. 2167 of 2015

Dated this the 21st day of April, 2015

ORDER

This petition is filed under Section 439 of Cr.P.C. for bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the 1st accused in crime No.302 of 2015 of Cantonment Police Station, Thiruvananthapuram. The offences alleged are under Sections 143, 147, 148 and 435 read with Section 149 of the Indian Penal Code and under Section 4 of the Prevention of Damage to Public Property Act. The petitioner was arrested on 18.3.2015 and produced before the Court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for the

petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case is almost over. He further submits that the continued custody of the petitioner is not required for completing the investigation.

4. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor has opposed this petition. She submits that there are eight accused in this case. By the commission of the offence, the accused in this case had caused a loss of Rs.5,00,000/- to the Government, by setting fire a Government jeep. On considering the facts and circumstances, stage of the investigation, the period the petitioner has already spent in jail and the fact that no criminal antecedents have been reported against him, this court is satisfied that the petitioner can be granted bail imposing appropriate conditions. Since the alleged occurrence caused loss to the tune of Rs.5,00,000/- to the Government by setting fire a jeep of the Government, the

petitioner shall be directed to deposit before the concerned Magistrate's Court an amount equivalent to $\frac{1}{8}$ of the total amount of loss allegedly caused to the Government.

5. Therefore, the petitioner is granted bail subject to the following conditions:

1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

2) The petitioner shall deposit an amount of Rs.62,500/- (Rupees sixty two thousand five hundred only) before the concerned Magistrate's Court. He shall be released on bail only on such deposit made by him. If the petitioner is acquitted of the concerned offence in the criminal case, he will be entitled to receive back the amount so deposited. If he is

convicted for the concerned offence, the said amount will be at the disposal of the concerned Magistrate's Court.

3) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Mondays for a period of two months.

4) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

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

6) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

7) The petitioner shall not commit any similar offence while on bail.

8) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

BABU MATHEW P. JOSEPH, JUDGE.

DG