

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 2180 of 2015

CRIME NO. 770/2015 OF KOTTARAKKARA POLICE STATION, KOLLAM DISTRICT.
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PETITIONER/ACCUSED:

**RATHEESHKUMAR, AGED 32 YEARS,
S/O SELVARAJ, KAVAYYATHU VEEDU,
KIZHAKKETHERUVU MURI, MELILA VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.REMA.R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.RAMAKRISHNAN, J.

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B.A. No.2180 of 2015

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Dated this the 28th day of April, 2015

O R D E R

This is an application for regular bail filed by the accused in Crime No.770/2015 of Kottarakkara Police Station under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that the accused had committed theft of ₹93000/- from the account of the de facto complainant's mother for the period from 03.01.2015 to 26.03.2015 and thereby he had committed the offence punishable under Section 380 of the Indian Penal Code(hereinafter referred to as IPC).

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is in jail from 03.04.2015 onwards. Recovery of the ATM card and the articles said to have been purchased using the amounts stolen had been recovered and his custody is not required any more

in connection with the investigation. He prays for allowing the application.

5. The application was opposed by the Public Prosecutor on the ground that the investigation is still in progress.

6. It is seen from the report of the Investigating Officer that the above crime was registered on the basis of the statement given by the de facto complainant when they came to know about the unauthorised withdrawal of the amount using ATM card suspecting the petitioner alleging offence under Section 380 IPC. Later, the petitioner was arrested on 03.04.2015 and it is seen from the remand report that the ATM card of the mother of the de facto complainant alleged to have been recovered from the possession of the accused at the time of arrest. It is also seen from the remand report that the amount was spent by the petitioner for the purpose of purchasing some household articles and on the basis of alleged statement given by him and has led by him, they went to that place and those articles were also seized. The main

witnesses have been questioned and their statements have been recorded. The Public Prosecutor had no case that the petitioner has got involved in any other case of similar nature earlier or he has got any criminal back ground. The parties are relatives as well, as submitted by the Public Prosecutor. So considering the circumstances and also considering the period of detention, this Court feels that there is no necessity to keep the petitioner in custody in connection with this case as recovery has already been effected. So, the application is allowed with the following conditions:

i) The petitioner shall be released on bail on executing a bond for ₹50,000/-(Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-I, Kottarakkara.

ii) The petitioner shall appear before the Investigating Officer for the purpose of interrogation on the last Saturday of every month between 9 am and 10 am for a period of three months or till the final report is filed, whichever is earlier.

iii) The petitioner shall appear before the investigating officer for the purpose of interrogation in connection with the above crime as and when required in writing to do so till the final report is filed.

iv) The petitioner shall not intimidate or influence the witnesses.

v) The petitioner shall surrender his passport, if any, within one week from the date of release before the Judicial First Class Magistrate Court-I, Kottarakara, and if he is not having the passport, file an affidavit to that effect before that court within that time.

vi) The petitioner shall not leave Kollam district without getting prior permission from the Judicial First Class Magistrate-I, Kottarakkara , till the disposal of the case.

With the above condition, this application is allowed.

Sd/-
K.RAMAKRISHNAN, JUDGE

sj