

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl..No. 2349 of 2015

**CRIME NO. 139 OF 2015 OF CHITTARIKKAL POLICE STATION,
KASARGOD DISTRICT**

PETITIONER(S)/ACCUSED :

**RAJESH K., AGED 30 YEARS,
S/O.RAGHAVAN, MANIYARA HOUSE, KOLLADA,
KAMBALLUR P.O., CHITTARIKKAL VILLAGE,
VELLARIKKUND TALUK, KASARAGOD.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 0150.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.139 OF 2015 OF CHITTARIKKAL POLICE STATION,
KASARAGOD DISTRICT) 671 315.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. RAMAKRISHNAN, J.

.....
B.ANo.2349 of 2015
.....

Dated this the 5th day of May, 2015.

O R D E R

This is an application for regular bail filed by the sole accused in Crime No.139/2015 of Chittarikkal police station under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 6.4.2015 at 00.15 hours, the accused himself has set fire to his auto rickshaw and the flame spread caught fire to the shed of one Priya and caused a loss of Rs.2,500/- and thereby he had committed the offence punishable under section 436 of the Indian Penal Code.

3. Heard Sri. Arunkumar, the learned counsel for the petitioner and the learned Public Prosecutor, Smt. S. Hyma.

4. The learned counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same and he is in jail from 8.4.2015 onwards.

5. It is seen from the records that the above case was registered on the basis of the statement given by the petitioner himself against identifiable three persons alleging offences

under sections 436, 341 and 34 of the Indian Penal Code and during investigation it was revealed that the petitioner himself had committed the crime and no other person had involved in the crime and so the petitioner was arrayed as the accused and sections 341 and 34 of the Indian Penal Code were deleted and the petitioner was arrested on 8.4.2015 and he is in jail from that day onwards.

6. The application was opposed by the Public Prosecutor on the ground that investigation is not over. Perused the case diary file.

7. It is also seen from the report of the investigating officer that the petitioner had involved in Crime No.138/2015 of the same police station alleging offences under sections 341, 323, 324 and 308 of the Indian Penal Code. It is fairly conceded by both the counsel that the petitioner was released on bail in that case. It is seen from the report that when the petitioner set fire to his own auto rickshaw, the flames spread over and caused damage to a shed of one Priya and caused loss of Rs. 2,500/- to her. However considering the nature of offence and also period of pre-trial detention and the stage of the

investigation, this Court feels that further custody of the petitioner is not required any more in connection with the investigation and bail can be granted to the petitioner with some stringent conditions. So the application is allowed with the following conditions:

i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Magistrate Court-II, Hosdurg.

ii. The petitioner shall appear before the investigating officer the last Saturday of every month between 9 a.m and 10 a.m till the final report is filed.

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 not leave Kasaragod district without getting prior permission either from the Judicial First Magistrate

Court-II, Hosdurg or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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