

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 2511 of 2015

CRIME NO. 42/2007 OF KUTTIPURAM POLICE STATION , MALAPPURAM

PETITIONER(S)/2ND ACCUSED:-:

**V.GOPINATH, AGED 67 YEARS,
S/O.NARAYANAN NAMBOOTHIRI, DGM (DVN-I) & I/C (P&A)
KECL (RETD), SOPANAM HOUSE,
OPPOSITE MINI CIVIL STATION, TIRUR P.O., PIN - 676 101,
MALAPPURAM DISTRICT.**

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENT(S)/COMPLAINANT:-:

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

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.SUDHEENDRA KUMAR, J.

Bail Application No.2511 of 2015

Dated this the 26th day of June 2015

O R D E R

The petitioner is the 2nd accused in Crime No.42/2007 of Kuttippuram Police Station, Malappuram district registered under Sections 409 and 420 of I.P.C.

2. The prosecution allegation is that copper scrap materials worth Rs.7,12,099/- were found missing from the complainant company during the period from 25.02.2005 to 15.02.2007 and thereby, the company sustained a huge loss. It is alleged that the petitioner was the Deputy General Manager having the charge of the Chief Executive

Officer of the company during the relevant period. It is further alleged that the petitioner did not take proper care and caution in this regard. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard. Perused the Case Diary.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. It appears that there is no allegation that the petitioner committed any theft or misappropriation. The only allegation is that the petitioner was negligent in his duty. Considering the facts and circumstances of the case, I am of the view that an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, this application stands allowed and the

respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.42/2007 of Kuttippuram Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Kuttippuram police station, before whom the petitioner shall surrender within ten days from today and subject to the following conditions:-

- (i) The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in any offence while on bail.

**B.SUDHEENDRA KUMAR,
JUDGE**

dl