

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.HARILAL

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Bail Appl..No. 3415 of 2015

**CC 1310/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY.
CRIME NO. 352/2010 OF CHALAKKUDY POLICE STATION.**
.....

PETITIONER/ACCUSED:

**ABIJITH @ KIRAN @ VIPIN,
S/O.GOPALKRISHNAN, AGED 28 YEARS,
MANGALATH HOUSE, CHERUTHENA DESOM,
V.R.PURAM VILLAGE, HARIPAD,
ALAPUZHA DISTRICT.**

BY ADV. SRI.M.J.SANTHOSH

RESPONDENT/COMPLAINANT:

**SUB INSPECTOR OF POLICE,
CHALAKUDY POLICE STATION
REPRESENTED BY STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.HARILAL, J.

.....
B.A.No.3415 of 2015

.....
Dated this the 18th day of June, 2015

ORDER

This is an application for regular bail under Section 439 of the Code of Criminal Procedure.

2.The petitioner is the accused in Crime No.352 of 2010 of Chalakkudy Police Station, registered for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

3.The crux of the allegation against the petitioner is that on 19.03.2010, the petitioner along with the other accused have committed theft of a car from a public place. The petitioner was enlarged on bail in the crime stage itself. But after filing the final report, the petitioner could not appear before the court and the case against the petitioner was transferred to long pending register. On 26.04.2015, the petitioner was arrested and remanded to the judicial custody.

4.The learned counsel for the petitioner submits that, there was no negligence or wilful default in not appearing before the court, after taking bail. He was at Chennai in connection

with his job and he could not avail leave, so as to appear before the court. The petitioner is ready to abide any conditions, that are found necessary by this Court in order to protect the interest of the prosecution.

5.The learned Public Prosecutor on instructions submits that the petitioner was granted with bail in crime stage and later he failed to appear before the court. The learned public prosecutor further submits that, if he is released on bail, he may abscond again.

6.Having regard to the facts and circumstances of the case, I feel that bail can be granted to the petitioner on stringent conditions.

In the result, this bail application is allowed.

i. The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court, Chalakkudy.

ii. He shall not involve any similar offences during the course of trial.

- iii.The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses, who are acquainted with facts and circumstances of the case.
- iv.The petitioner shall appear before the investigating officer as and when required.
- v. If the petitioner violates any of the above conditions, this bail will stand cancelled automatically, and in that event the court below on satisfaction of the facts, will be at liberty to proceed against the petitioner, in accordance with law.

Sd/-
K.HARILAL,
JUDGE.

AMV/18/06/

/TRUE COPY/

P.A.TO JUDGE