

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 3547 of 2015 ()

CRIME NO. 275/2015 OF MALAYINKEEZH POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/4TH ACCUSED:

**VISAKH U.S, AGED 22 YEARS,
S/O.UNNI, RAJAN COTTAGE, KOMBATTI,
PALOTTUVILA, MALAYINKEEZH.P.O.,
THIRUVANANTHAPURAM-695 573.**

BY ADV. SMT.KEERTHI SOLOMON

RESPONDENT(S)/COMPLAINANT:

- 1. THE SUB INSPECTOR OF POLICE,
MALAYINKEEZH POLICE STATION,
THIRUVANANTHAPURAM-695 573.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-682 031.**

BY PUBLIC PROSECUTOR SMT. LISHA.M.G

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

SUNIL THOMAS, J.

B.A. No.3547 of 2015

Dated this the 10th day of July, 2015

O R D E R

The 4th accused in crime No.275/2015 of Malayinkeezh police station for offence punishable under Section 379 read with 34 IPC is the petitioner herein.

2. The prosecution alleged that on 15/4/2015 at about 4 .p.m. the accused trespassed into the house of the defacto complainant and had stolen away 52 rubber sheets worth Rs.1,92,000/-. Crime was registered . The petitioner seeks the bail.

3. Heard and examined the records.

5. The allegation against the accused is a serious one, which involves committing of theft during early hours after trespassing into the property. However, records reveal that most of the accused have been arrested and recovery effected. The learned counsel for the petitioner drew my attention to Annexure A2 which shows that the petitioner herein is certified as a mentally retarded person with IQ of 65. It does not appear to be a case of major disability. Patently, the petitioner also does not have a case that he is incapable of defending himself, since this petition is submitted by the petitioner himself.

However, considering the peculiar facts and further considering the fact that the investigation has substantially progressed, I am inclined to grant bail to the petitioner, subject to the following conditions:

i). The petitioner shall appear before the investigating officer on 22/7/2015 between 9 and 10 a.m. He shall offer himself for interrogation and after conclusion of it, he shall be released on bail, on he executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like sum.

ii). He shall appear before the Investigating officer on all Fridays between 9 and 10 a.m. for a period of one month from the date of execution of bond as mentioned above.

Iii) He shall not get involved in any other identical offence and shall also not in any manner interfere in the process of investigation or intimidate the de facto complainant and the witnesses.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

