

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 3726 of 2015 ()

CRIME NO. 99/2015 OF PERUVANNAMUZHY POLICE STATION, KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED 1 AND 2 :

- 1. MATHEW THOMAS, AGED 54 YEARS,
PERATHINKAL HOUSE, MUTHUKAD P.O.,
PERUVANNAMUZHY, KOZHIKODE DISTRICT.**
- 2. JOSEPH P.V.,
PATTASERRY HOUSE, MUTHUKAD P.O., PERUVANNAMUZY,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. S I OF POLICE,
PERUVANNAMUZHY POLICE STATION, PERUVANNAMUZHY,
KOZHIKODE DISTRICT, PIN-673 528.**
- 3. VILLAGE OFFICER,
CHAKKITTAPARA VILLAGE, PERUVANNAMUZHY, KOZHIKODE,
PIN-673 528.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

B.A. No.3726 of 2015

Dated this the 28th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.99 of 2015 of Peruvannamuzhy Police station registered for the offences under Sec.379 of the Indian Penal Code. The prosecution case is that they trespassed into a government property and committed theft of areacanut from the trees in the property.

3. Heard both sides.

4. Learned counsel submits that there is already a finding that the petitioners are in possession of the property as seen from annexures A5 and A6. It appears that whatever may be the truth custodial interrogation of the petitioners is not necessary for effective investigation. So I am inclined to grant the prayer of the petitioners.

In the result, the bail application is allowed.

1. The petitioners shall be released on bail

after interrogation on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

2) The petitioners shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) The petitioners shall surrender their passport before the lower court concerned or if they do not have the one, file affidavits to that effect.

4) The petitioners shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioners shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) The petitioners shall not intimidate or

attempt to influence the witnesses.

7) The petitioners shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

If the petitioners surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge