

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 4358 of 2015

CRIME NO. 1361/2015 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER(S)/ACCUSED 2 & 3 :

- 1. SHARAFUDEEN, AGED 35 YEARS,
S/O.HANEEFA RAWTHER, PONMANAPUTHENVILAYIL VEEDU,
ADIKKATTUKULANGARA, PALAMEL VILLAGE.**
- 2. ANASIYA, AGED 26 YEARS,
W/O.SHARAFUDEEN, PONMANAPUTHENVILAYIL VEEDU,
ADIKKATTUKULANGARA, PALAMEL VILLAGE.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION, ADOOR, PATHANAMTHITTA- 689 645.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

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B.A.No.4358 of 2015

Dated this the 8th day of September, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 1361 of 2015 of Adoor Police Station, registered for offences punishable under Sections 379 of the Indian Penal Code and Rules 57 read with Rule 58 of the Kerala Minor Mineral Concession Rules and Section 11 read with Section 23 of the Kerala Conservation of Paddy and Wetland Act.

3. The allegation is that the petitioners committed theft of a lorry, seized by a Village Officer, between 13.06.2015 and 16.06.2015 from a paddy field where it was found dumping sand to fill it up.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the 1st petitioner is the registered owner of the vehicle. He only tried

to move the vehicle to a safer place when it was found kept in open. They never intended to commit theft of the vehicle. Further, the vehicle was later removed by the authorities and now it is under the custody of the officers.

Considering the nature of allegations, I am of the view that following directions can be issued:

- (a)The petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation and thereafter, they shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer. In that event, they shall be released on bail in Crime No.1361 of 2015 of Adoor Police Station.*
- (b)They shall appear before the Investigating Officer as and when required for the purpose of interrogation.*
- (c)They shall not intimidate or influence the witnesses.*
- (d)They shall not get themselves involved in any other criminal case while they are on bail.*

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the

investigating officer may move application before the jurisdictional Magistrate.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

//True copy//

P.A. To Judge