

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5747 of 2015

CRIME NO. 707/2015 OF OTTAPALAM POLICE STATION, PALAKKAD
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APPLICANT/4TH ACCUSED:

**DEEPU KUMAR K., AGED 34 YEARS,
S/O. KUMARAN, KIZHAKKEKARA HOUSE, MANACADU P.O.,
THODUPUZHA, IDUKKI DISTRICT.**

BY ADV. SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5747 of 2015

Dated this the 28th day of September, 2015

ORDER

Petitioner, who is the fourth accused in Crime No.707 of 2015 of Ottapalam Police Station registered for an offence punishable under Section 420 of the Indian Penal Code, seeks bail under Section 438 of the Code of Criminal Procedure.

2. It is alleged the lorry owned by the defacto complainant, which was hypothecated to a bank, was transferred to the first accused and he, in turn, undertook to pay the instalments due to the financier. But in defiance of the condition, he sold away the vehicle to the second accused. It is further alleged that the second accused wrote another number on the chassis of the vehicle and used it for some other purposes.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that he is the fourth accused and he has no connection with the crime. Order passed by this Court on B.A.No.4493 of 2015 is brought to my notice. Learned Prosecutor contended that the petitioner's plea for pre-arrest bail was considered by this Court and rejected it earlier.

After hearing the learned counsel on both sides, I do not find

any reason to find that there is any change of circumstance. Hence the following order:

In the event the petitioner surrenders before the investigating officer in one week, he shall be questioned and thereafter he shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioner moves for bail, the court below shall consider the bail application on merits as expeditiously as possible, if possible on the date of its filing. If the petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order has been passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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