

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 6060 of 2015

CRIME NO. 252/2015 OF UPPUTHARA POLICE STATION, IDUKKI DISTRICT.
.....

PETITIONER/ACCUSED:

**K.VARGHESE, AGED 52 YEARS,
S/O. KUTTY, PULIYARAYIL HOUSE,
LAUNDRY P.O, THAVARANA MEDU BHAGAM,
UPPUTHARA, IDUKKI DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.K.AKHIL**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.6060 of 2015

Dated this the 2nd day of December, 2015

JUDGMENT

This is an application filed under Section 438 of Code of Criminal Procedure. When the application came up for hearing, the learned counsel appearing for the petitioner submitted before me that the petitioner is apprehending arrest and detention in Crime No.252/2015 of Upputhara Police Station, Idukki District. The offence alleged is under Section 379 of IPC. The learned counsel for the petitioner submitted that the allegation against the petitioner is that he had stolen one piece of pipe worth Rs.9,500/- which was kept on the road side to execute the water project of Kattappana Block Panchayath.

2. The learned counsel further submitted that actually the pipe not belonged to the Panchayath, but it was allegedly procured by the committee which undertook the execution of the work. It is also

submitted that actually the matter settled between the committee and the petitioner herein, but as the matter is under investigation, no compromise or compounding could be recorded. It is the further submission that the allegation is that the pipe is now used as a drainage pipe in the house of the petitioner herein. If it was actually a stolen property, it would have been recovered by the Police. It is an indication that it is not the stolen property.

3. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that here is a case where the offence alleged is under Section 379 of IPC. The learned Public Prosecutor vehemently opposed the anticipatory bail application.

4. After considering the totality of the case, I feel that here is a case where anticipatory bail can be granted to the petitioner on the following conditions :

1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest

the petitioner. Thereafter, the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m. and 12 noon for a period of two months.

3) The petitioner shall not commit similar offences during the bail period.

4) The petitioner shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

K.P.JYOTHINDRANATH
JUDGE

SV.