

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937Q

Bail Appl..No. 6465 of 2015 ()

CRIME NO. 970/2014 OF KEEZHVAYPUR POLICE STATION, PATHANAMTHITTA DIST.

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PETITIONERS/2ND ACCUSED:

**MUHAMMED MAKBUL MIYA, AGED 34 YEARS,
S/O.THAFIJUDHIN MIYA, HARUDESARBADI,
HAITHABIKHAN, NADAPARBADI, PARANPOOR,
RETHUVA, MALDA, WEST BENGAL.**

BY ADV. SRI.T.P.PRADEEP.

RESPONDENTS/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SUB INSPECTOR OF POLICE,
KEEZHVAYPUR POLICE STATION, PIN-689 587.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.6465 of 2015

Dated this the 26th day of October 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.970 of 2014 of Keezhvaypur Police station registered for the offences punishable under Secs.457, 461, 380, 120B and 411 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that seven accused conspired together and criminally trespassed into the jewellery owned by the defacto complainant on 23.07.2014 at about 11.00 p.m. and committed theft of valuable ornaments and other articles kept in the jewellery causing a huge loss to the defacto complainant.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that the Police after investigation, filed a final report. As per Annexure C order, the learned Magistrate ordered further investigation under Sec.173(8) Cr.P.C. finding that the involvement of the petitioner along with the other accused in

the crime was not properly explained in the final report. According to the learned counsel, this aspect could not be brought to the notice of this Court while the bail plea of the petitioner along with the other accused was considered by this Court on earlier occasions. This Court granted bail to the other accused as per Annexure-E order.

Considering the nature of allegations, the stage of investigation and also noticing the fact that the petitioner is hailing from West Bengal, following directions are issued.

i. The petitioner shall be released on bail on his executing a bond for Rs.5,00,000/- (Rupees five lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate, Thiruvalla.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer for interrogation between 09.00 a.m. and 11.00 a.m. on every Monday and Thursday until the supplementary final report is filed.

iv. The petitioner shall not leave the jurisdiction of the Circle Inspector of Police, Mallappilly Police station without the previous permission of the learned Magistrate.

v. Petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE