

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Bail Appl..No. 6649 of 2015 ()

CRIME NO. 80/2015 OF KALAMASSERY POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONER/ACCUSED NO 2:

**SHIN SHAJUDDEEN, AGED 28 YEARS,
S/O. MOIDHEEN, PATTOMTHODY HOUSE,
NEAR NATTUKAL POLICE STATION, NATTUKAL KARA,
THACHANATTU VILLAGE, MANARCADU TALUK,
PALAKKAD -678 554, NOW RESIDING AT THE
RENTED HOUSE OF CHAKKOCHAN, ANNASSERIL,
NEAR PATTASSERY DEVI TEMPLE, TV PURAM,
VAIKOM TALUK, KOTTAYAM- 686 606.**

BY ADV. SRI.P.B.AJOY.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH SHO OF KALAMASSERY POLICE STATION,
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 06-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.6649 of 2015

Dated this the 6th day of November, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.80 of 2015 of Kalamassery Police Station registered for the offences punishable under Sections 457 and 380 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 09.01.2015 at about 01.00 a.m., the petitioner along with other accused committed theft of batteries fixed in a mobile tower.

4. Heard both sides.

5. Learned Public Prosecutor opposed the bail application contending that the petitioner is not co-operating with the investigation and not revealing the true fact at the time of questioning. Further, accused 3 and 4 are yet to be arrested.

6. Learned counsel for the petitioner submitted that the petitioner was arrested on 09.10.2015. Police custody of the accused was taken and after questioning he has been returned. Further detention of the petitioner

is not necessary for investigation. The petitioner is not involved in any other offence.

7. Considering the nature of allegations and stage of investigation, I am inclined to grant bail to the petitioner with the following strict conditions:

- (a) The petitioner shall be released on bail on her executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall remain in Ernakulam

District for a period of three months. The petitioner shall not leave the limits of Ernakulam District without the permission of the Magistrate having jurisdiction.

- (e) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he does not have a passport, he shall file an affidavit to that effect.
- (f) The petitioner shall not intimidate or attempt to influence the witnesses.
- (g) The petitioner shall not in any manner interfere or meddle with the investigation.
- (h) The petitioner shall not, during the period of this bail get involved in any offence.

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.

/True copy/

P.A. to Judge