

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6838 of 2015

CRIME NO. 145/2015 OF VELLIKULANGARA POLICE STATION , THRISSUR

PETITIONER(S)/ACCUSED NO.2 :

**SHIJU VARGHESE, AGED 37 YEARS,
S/O.VARGHESE, ARODHA HOUSE, MURIKKINGAL DESAM,
VELLIKULANGARA VILLAGE, CHALAKUDY TALUK, THRISSUR (DT),
KERALA STATE.**

BY ADV. SRI.M.J.POLLY

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA, THROUGH
S.I OF POLICE, VELLIKULANGARA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A No.6838 of 2015

Dated this the 3rd day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.145/2015 of Vellikulangara Police Station registered for an offence punishable under Section 392 I.P.C. He surrendered before the lower court on 06-10-2015. It is submitted that he is a mental patient.

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

4. Prosecution case, in short, is that on 01-03-2015 at about 8.15 p.m., while the defacto complainant was proceeding to his residence after closing his textile shop, the petitioner along with other accused came on a motor cycle and pushed down the defacto complainant. Thereafter, they robbed an amount of Rs.40,000/- from him.

5. Learned counsel for the petitioner submitted that the petitioner is not involved in any offence. Although the petitioner raised a contention that he is a mental patient, there is no material before this court to accept that contention. Considering the stage of investigation and also the number of days in custody, I find that bail can be granted to this petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and

Thursdays between 10.00 and 11.00 a.m until the final report is filed.

4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

//True copy//

P A to Judge