

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 6902 of 2015 ()

CRIME NO. 595/2015 OF POOVAR POLICE STATION, THIRUVANANTHAPURAM DIST.
.....

PETITIONER/1ST ACCUSED:

**JASMIN KUMAR, S/O.THANKAYYAN,
AGED 33 YEARS, TDJ BHAVAN, ONAMCODE,
THANNIMOODU P.O., NEYYATTINKARA.**

BY ADV. SRI.G.SUDHEER.

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. JOHN,
CIRCLE INSPECTOR OF POLICE,
POOVAR CIRCLE, NEYYATTINKARA TALUK, PIN-695 121.**

R1 BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED TH
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.6902 of 2015

Dated this the 25th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner, the 2nd accused in Crime No.595 of 2015 of Poovar Police Station registered for the offences punishable under Sections 457, 461 and 380 of the Indian Penal Code, seeks pre-arrest bail.

3. Prosecution case is that on 01.07.2015 at about 11.00 p.m., accused persons trespassed into the house of the defacto complainant and committed theft of her gold chain having weight of 1 ¼ sovereigns, a hand bag and a mobile phone.

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

5. Learned counsel for the petitioner submitted that nowhere in the F.I.S., name of the petitioner is mentioned as an accused. According to the learned counsel for the petitioner going by the prosecution case

only one person committed the theft and the second accused has no role.

6. Learned Public Prosecutor opposed the bail application contending that he is involved in 9 cases of a similar nature.

7. In answer to this argument learned counsel for the petitioner submitted that the second respondent, C.I. of Police, Poovar is having a personal enmity towards the petitioner and he is falsely implicated in various cases. The petitioner had preferred complaints before the Human Rights Commission and strictures have been passed against the second respondent.

8. I have carefully perused the case diary. The prosecution case is that the first accused entered the house after breaking the window grills and committed the theft. At that time, the second accused was standing outside. Considering the materials in the case diary, I am not inclined to grant anticipatory bail to the petitioner. Hence the following directions are issued:

The second accused shall surrender

before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the second accused is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits as early as possible.

There shall not be any complaint of physical harassment at the hands of the Police.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge