IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Bail Appl..No. 6997 of 2015

CRIME NO. 2437/2015 OF THRISSUR EAST POLICE STATION, THRISSUR

PETITIONER/ACCUSED 1 & 2:

1. **NIKHIL RAJ, AGED 23 YEARS,**
   S/O.RAJAN, METHALATH HOUSE, NEAR ERAVAKKAD TEMPLE,
   NENMANIKAKRA VILLAGE, THRISSUR.

2. **RAHUL, AGED 24 YEARS,**
   S/O.SUBRAMANYAN, VILANGOTTUPARAMBU,
   KISSAN CORNER DESOM, URAKOM.P.O, THRISSUR.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

PJ

A.HARIPRASAD, J.

B.A. No.6997 of 2015

Dated this the 11th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.2437 of 2015 of Thrissur East Police Station registered for offences punishable under Sections 461, 380, 120B, 411, 201 and 457 read with Section 34 of the Indian Penal Code

3. Prosecution case, in brief, is that the accused persons conspired together and criminally trespassed into an ATM maintained by a bank and committed theft of ₹26,02,800/- from the box of ATM after breaking the same open. Some of the accused received the articles with the knowledge that they are stolen and some other accused caused disappearance of the evidence.

4. Heard both sides.

5. Petitioners are in custody from 12.09.2015 onwards. Charge in the matter has not been filed. Petitioners are entitled to get statutory bail as 60 days is over today. Therefore, bail is granted to the petitioners with

the following conditions:

i. Petitioners shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. They shall surrender their passport if any. If any of the accused does not have passport, he shall sworn to an affidavit showing that fact and submit it before the learned Magistrate having jurisdiction.

v. The petitioners shall not indulge in any offence while on bail.

vi. The petitioners 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 petitioners,

the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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