

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Bail Appl..No. 7527 of 2015 ()

CRIME NO. 1696/2015 OF MAVELIKKARA POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER(S)/ACCUSED NO.: 1 TO 4:

1. REGHUNATHA PILLAI, AGED 54 YEARS,
S/O.LATE KUNJU PILLAI, PARAKKATTU VADAKKATHIL,
KALLIMEL P.O., MAVELIKKARA.
2. SUNIL KUMAR, AGED 39 YEARS, S/O.LATE JANARDHANAN NAIR,
SUNIL BHAVANM, PARAKKULANGARA, VETTIYAR.
3. MURALEEDHARAN NAIR, AGED 47 YEARS,
S/O.LATE JANARDHANAN NAIR, PATTARAYYATHU EDAPPON.
4. OMANAKKUTTAN NAIR, AGED 60 YEARS,
S/O.GOPALAN NAIR, RATHEESH BHAVANM,
CHETTIKULANGARA.

BY ADV. SRI.E.G.GORDEN

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MAVELIKKARA POLICE STATION, ALAPPUZHA DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN-682 031.

***ADDL.R2 IMPEADED**

***ADDL.R2: SANAKARA NARAYANAN, AGED 64 YEARS,
S/O. RAGHAVAN NAIR, KUTTIYIL VEEDU,
KALLIMEL MURIYIL, MAVELIKKARA, ALAPPUZHA.**

***ADDL.R2 IS IMPEADED AS PER ORDER DATED 04/12/2015 IN
CRL.M.A.NO.11343/2015.**

**R1 BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA
ADDL.R2 BY ADVS. SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.7527 of 2015

Dated this the 4th day of December 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 4 in Crime No.1696 of 2015 of Mavelikkara Police station registered for the offences punishable under Secs.379, 381, 409 and 411 read with Sec.34 of the Indian Penal Code. Petitioners are the employees under the defacto complainant, who runs a hardware shop consisting of electrical and plumbing implements. It is the prosecution case that the petitioners, while working in the shop, have stolen articles and handed over the same to the 5th accused, on many occasions from 2013 to 17th October 2015.

3. Heard the learned counsel for the petitioners, counsel for the defacto complainant and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that the petitioners, being the employees of the defacto complainant, tried to form a union. About 30

persons are working under the defacto complainant. Due to spite and ill will, the petitioners are falsely implicated in this case.

5. Learned counsel for the defacto complainant opposed the bail application. It is contended that the case diary statements of three auto rickshaw drivers who usually carried the stolen articles to various places will reveal the falsity of the petitioners in this case.

6. Learned Public Prosecutor also opposed the bail application. It is submitted that a portion of the stolen articles had been recovered from the possession of the 5th accused.

Considering the materials in the case diary, I am of the view that custodial interrogation of the petitioners may be necessary in this case. Hence, following directions are issued.

The petitioners shall surrender before the Investigating Officer within a period of two weeks from today and submit themselves for interrogation. After questioning, the

Investigating Officer shall produce the petitioners before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself. If the petitioners do not surrender before the investigating officer as directed, the investigating officer is free to arrest them after the stipulated period.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/04/12/2015

P.A. To Judge