

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Bail Appl..No. 7510 of 2014 (C)

AGAINST THE ORDER IN CRMP 2912/2014 of D.C. & SESSIONS COURT, KOLLAM
DATED 01-10-2014

CRIME NO. 1124/2014 OF THEKKUMBHAGOM POLICE STATION ,
KOLLAM DISTRICT

PETITIONER/4TH ACCUSED : -

RIYAS, AGED 18 YEARS,
S/O. NIZAR, VADASSERI PADEETTATHIL,
PADINJATTINKARA P.O., THEVALAKKARA.

BY ADVS.SRI.K.SIJU
SMT.BINDU GEORGE

RESPONDENT : -

STATE OF KERALA,
THROUGH THE S.I OF POLICE,
THEKKUMBHAGOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DMR/-

B.SUDHEENDRA KUMAR, J.

Bail Application No.7510 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioner is the fourth accused in Crime No. 1124/2014 of Thekkumbhagom Police Station registered under Section 380 read with Section 34 of the Indian Penal Code.

2. The prosecution allegation is that on 10.09.2014 at about 5 p.m., the petitioner along with three other juveniles in conflict with law, committed theft of Rs.1,66,100/- from the house of the de facto complainant, where the juveniles were employed.

3. The petitioner has filed this bail application praying for a relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has opposed the

application. It has been submitted by the learned Public Prosecutor that the custodial interrogation of the petitioner is necessary for the progress of investigation of the case. The learned Public Prosecutor has submitted that an amount of Rs.68,000/- alone had been recovered from the juveniles in conflict with law and the balance amount is to be recovered. It appears that the custodial interrogation of the petitioner is necessary to ascertain as to whether the petitioner is involved in any other offence of similar nature or not. The recovery is also to be effected. Considering the facts and circumstances of the case, including the nature and gravity of the offence alleged against the petitioner, I am not inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this bail application stands dismissed. However, the petitioner shall be at liberty to surrender before the Investigating Officer within two weeks from today, if so advised. In the event of such surrender, the Investigating Officer shall produce the petitioner before the Jurisdictional Magistrate after interrogation. If the petitioner files application for bail before the Jurisdictional Magistrate at the

time of production of the petitioner before the learned Magistrate, the learned Magistrate shall consider and dispose of the application for bail, as expeditiously as possible, strictly in accordance with law.

**B.SUDHEENDRA KUMAR,
JUDGE**

DMR/-