

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7604 of 2015

**CRIME NO. 3149/2015 OF PATHANAMTHITTA POLICE STATION ,
PATHANAMTHITTA DISTRICT**

PETITIONER(S)/4TH ACCUSED :

**MANOJ, AGED 37 YEARS,
S/O.RAVEENDRAN, RAVEENDRA VILASAM, KANNAMKODU,
VETTIKKAVALA P.O., KOTTARAKKARA TALUK, KOLLAM DISTRICT.**

**BY SRI.N.DHARMADAN (SENIOR ADVOCATE)
ADV. SMT.D.P.RENU**

RESPONDENT(S)/COMPLAINANTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SRI.M.ANILKUMAR,
POLICE INSPECTOR, PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA-689 645.**
- 3. SRI.ASWANTH S.KARAIMAIL,
SUB INSPECTOR OF POLICE, ARANMULA POLICE STATION,
PATHANAMTHITTA DISTRICT-689 645.**

R1 BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A No.7604 of 2015

Dated this the 8th day of December, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the 4th accused in Crime No.3149 of 2015 of Pathanamthitta Police Station registered for offences punishable under Sections 379 and 411 r/w Section 34 I.P.C.

3. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

4. Prosecution case, in short, is that the accused Nos.1 and 2 with an intention to commit theft of a vehicle, hired a taxi on 29-10-2015 at 19.00 hours and came from Thiruvananthapuram to Ernakulam. On 30-10-2015 at about 2.40 hours in the noon, the vehicle was stolen by accused Nos.1 and 2. It was entrusted to 3rd accused, who in turn sold it to the 4th accused (petitioner herein).

5. Learned Senior Counsel for the petitioner submitted that the petitioner is falsely implicated in the case. Annexure III is the complaint filed by the petitioner before the Human Rights

Commission on 12-02-2015 alleging that he had been threatened by a Police officer that he would be implicated in a false case. Annexure IV is the document produced to show that he is suffering from acute pancreatitis with pancreatic abscess. Learned Senior Counsel for the petitioner relying on *Trimbak v. The State of Madhya Pradesh (A.I.R 1954 S.C 39)* contended that in the absence of any allegation that he purchased the car knowing fully that it was a stolen property, no offence will lie against him. Considering the nature of allegations, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he 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 Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The

Investigating Officer 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 Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

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P.A to Judge