

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 7828 of 2014 ()

(CRIME NO.UNKNOWN OF THRITHALA POLICE STATION
IN PALAKKAD DISTRICT)

PETITIONERS:

1. SANKARA PILLAI, AGED 55 YEARS
S/O.VASUDEVAN, PRASANTH NILAYAM, MALAYALAPUZHA MURI
MALAYALAPUZHA VILLAGE, PATHANAMTHITTA DISTRICT
2. KANAKAN, AGED 35 YEARS
S/O.RAMACHANDRAN, CHERIVU VEEDU, VAZHAYIL VADAKKETHIL
KEEZHCHERIMEL, MURIYIL CHENGANNUR VILLAGE
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.

BY ADVS.SRI.AJITH MURALI
SRI.K.V.ANIL KUMAR

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA , ERNAKULAM 682 031
2. THE SUB INSPECTOR OF POLICE
THRITHALA POLICE STATION, PALAKKAD DISTRICT, 678 001.

BY PUBLIC PROSECUTOR, SMT.M.G.,LISHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.7828 of 2014 C

Dated this the 17th day of June 2015

O R D E R

The petitioners are accused Nos.2 and 3 in Crime No.571/2014 of Thrithala Police Station registered under Sections 406, 416, 468 and 471 read Section 34 of I.P.C.

2. The prosecution allegation can be briefly stated as follows:- On 21.7.2014, the petitioners and the other accused took away the Maruti car of the *defacto complainant* bearing Registration No.Kl-52-B-7230 under

the pretext of taking the child of the first accused in the crime to the hospital. However, thereafter, the said car was sold for Rs.1,83,000/- to a third party by forging the RC book and other documents. The petitioners have filed this petition praying for the relief under Section 438 Cr.P.C.

2. Heard. Perused the case diary.

3. The learned Public Prosecutor has opposed the application.

4. It appears from the facts and circumstances as revealed from the case diary that the investigation has to be conducted to ascertain as to whether the petitioners are involved in any other offence of similar nature. Considering the nature and gravity of the allegations raised against the petitioners, I am of the view that this is not a fit case where an order under Section 438 Cr.P.C. in favour of the petitioners will be justified.

In the result, this application stands dismissed. However, the petitioners shall be at liberty to surrender before the Sub Inspector of Police, Thrithala Police Station within ten days from today, if so advised. If the petitioners surrender before the Sub Inspector of Police as directed above, the Sub Inspector of Police shall produce the petitioners before the jurisdictional Magistrate after interrogation. If the petitioners file any application for bail on such production before the jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the application for bail, as expeditiously as possible, strictly in accordance with law.

**sd/
B.SUDHEENDRA KUMAR,
JUDGE**

dl/-

// TRUE COPY //

/ PA TO JUDGE /