

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7919 of 2015

CRIME NO. 679/2015 OF BALUSSERY POLICE STATION, KOZHIKODE DISTRICT.
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PETITIONER/ACCUSED:

**ASHOKAN, S/O. KUNJAPPA, AGED 49 YEARS,
ELLIPUNATHIL HOUSE, P.O.MANDHANKAVU,
NADUVANNUR, KOZHIKODE DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/COMPLAINANT/ STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, REPRESENTING
THROUGH STATION HOUSE OFFICER,
BALUSSERY POLICE STATION, KOZHIKODE DISTRICT.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7919 OF 2015

Dated this the 18th day of December , 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. When the application came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner apprehends arrest and detention in connection with Crime No.679/2015 of Balussery Police Station. It is the submission that the allegation is that the petitioner is the agreement owner of a lorry, which was used for transportation of sand. It is also the allegation that he had committed theft of the sand belonging to the Government and as such an offence under Section 379 of IPC is also therein.

2. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that interrogation is highly necessary in this case. It is also submitted that when the case of the petitioner is that he is the agreement owner, the documents relating to vehicle are to

be recovered. The place where he has concealed the same can be ascertained only on arrest and interrogation.

3. After considering the totality of the case and also considering the submissions of the learned counsel for the petitioner, the following order passed :

1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the investigating officer is at liberty to interrogate the petitioner. If the interrogation is not over on that day, it can be continued on the next day or on any working day as the investigating officer directs. After interrogation, if the investigating officer feels that arrest is necessary, he is at liberty to arrest the petitioner. If any recovery is necessary, that also can be made. Thereafter the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) The petitioner shall appear before the investigating officer on all Saturdays in between 10 a.m. and 12 noon for a period of two months.

3) The petitioner shall not commit similar offences during the bail period.

4) The petitioner shall co-operate with the investigation.

5) If an application under Section 311 A of the Cr.P.C. is filed before the Magistrate, the petitioner shall co-operate with the same.

The bail application is accordingly allowed.

K.P.JYOTHINDRANATH
JUDGE

SV.