

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 8240 of 2015

CRIME NO. 1374/2015 OF KATTAPPANA POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED :

**SOUMIA RAJU, AGED 35 YEARS,
D/O.RAJU, PONDOR HOUSE, KATTAPPANA VILLAGE,
KATTAPPANA, IDUKKI DISTRICT, KERALA.**

**BY ADVS.SRI.K.S.ARUNDAS
SRI.K.S.ANEESH
SRI.VIPIN KAILAS**

RESPONDENT(S)/DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ASSISTANT ENGINEER,
KATTAPPANA ELECTRICAL SECTION, KATTAPPANA,
IDUKKI-685 508.**

**R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R2 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB
ADV. SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

P.BHAVADASAN, J.

B.A. No. 8240 of 2015

Dated this the 23rd day of December, 2015

ORDER

This is a petition filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in respect of Crime No.1374/2015 of Kattappana Police Station wherein, the petitioner is shown as an accused for having committed offences punishable under Sections 135(1)(a), 138(a) and 150 of the Electricity Act, 2003.

2. From the records now available before this Court, mainly the FIR which is produced as Ext.A1, the petitioner is shown as the owner of the building and held responsible for running of a factory. Further, it is seen that she is named as a person who is running the Velamkanni Ice Factory and therefore she is made liable for the theft of electricity and the charges to be paid thereon.

3. The petitioner strongly disputes all the statements and says that she has nothing to do with the ice factory and

the electric connection is not in her name and therefore, she cannot be made liable neither for the amount nor for the theft that is alleged to have been committed by some other person.

4. Even though the argument may look attractive at the first blush, it is seen that the mahazar prepared etc. shows that the person who runs the factory is the petitioner, the veracity of that allegation need not be gone into at this point of time. The petitioner relies on Annexures A4, A5 etc. to contend for the position that she has nothing to do with the premises.

5. Though prima facie it may look so, one is to notice that there is definite allegation in the complaint that she is running the ice factory and she is utilizing the electric connection.

6. The learned Public Prosecutor on the other hand points out that as on date, a sum of ₹2,62,473/-is due in respect of the electric connection.

7. After having given anxious consideration into various aspects, even though this Court is not impressed with the claim of the petitioner that she has nothing to do with the premises, it is felt that anticipatory bail can be granted on the following conditions.

- 1) The petitioner shall surrender before the Investigating Officer on or before **11.01.2016**, who, after interrogation, shall produce her before the JFCM court concerned, which court, on an application for bail being moved by the petitioner shall release her on bail on her executing a bond for a sum of ₹25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court.
- 2) The court shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail.
- 3) The petitioner shall appear before the

Investigating Officer on every Thursday between 9.00 am and 10.00 am until further orders.

- 4) The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses.
- 5) The petitioner shall deposit an amount of ₹ 2,62,473/- within a period of two weeks from today.
- 6) If any of the conditions is violated, the bail granted shall stand cancelled and the court concerned, of being satisfied of the said fact, may take such proceedings as are available in law.

Sd/-
P.BHAVADASAN
JUDGE

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P.A. to Judge