

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY, 2015/16TH POUSHA, 1936

Bail Appl..No. 8639 of 2014 (D)  
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(AGAINST THE ORDER IN CRL.M.C NO.2118/2014 of I ADDL. SESSIONS COURT,  
ERNAKULAM DATED 26.11.2014.

CRIME NO. 4844/2014 OF PERUMBAVOOR POLICE STATION , ERNAKULAM)

PETITIONER(S)//ACCUSED:  
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SHAHEER M.A ., AGED 39 YEARS,  
S/O.ALIYAR, CHANDRIKA PLYWOODS, DOOR NO. IV, 2308,  
PERUMBAVOOR, ERNAKULAM.

BY ADVS.SRI.A.A.ZIYAD RAHMAN  
SRI.LAL K.JOSEPH  
SRI.V.S.SHIRAZ BAVA  
SRI.JOSEPH KURIAN VALLAMATTAM

RESPONDENT(S)/COMPLAINANT:  
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1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,  
PERUMBAVOOR POLICE STATION, PERUMBAVOOR.

BY PUBLIC PROSECUTOR, SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.T.Q

St/-

B.KEMAL PASHA, J.

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B.A. No.8639 of 2014  
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Dated this the 6<sup>th</sup> day of January, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. This is a case wherein the petitioner is involved in Crime No.4844/14 of Perumbavoor police station, registered for the offences punishable under Section 135(1)(a) and Section 151(A) of the Electricity Act.

3. The allegation against the petitioner is that on 10.11.2014 at about 10.30 a.m., the Anti Power Theft Squad, Kottayam inspected the New Ply Wood Company being run by the petitioner at the Marampally village and they have traced out that the petitioner had tampered with the electric meter and one of the phases was bye-passed, thereby committing electricity theft to the tune of Rs.11,73,604/-. Subsequently, the officers of the

Kerala State Electricity Board have re-assessed the loss as Rs.3,98,352/-.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. The learned counsel for the petitioner has pointed out that the entire amount of Rs.3,98,352/- has been remitted by the petitioner. On going through the contents of the CD and the present stage of investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. The entire amount of loss sustained to the K.S.E.B has been remitted by the petitioner. Considering the facts and circumstances of the case and the payment that has been made by the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

5. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner,

is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 13-01-2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

B.KEMAL PASHA,  
JUDGE

//true copy//

P.S. To Judge

St/-