

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 9126 of 2014

CRIME NO. 1430/2014 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED :

**SAJEEV.K, AGED 41 YEARS
S/O. SIVARAMAN, RESIDING AT KAMBRATH HOUSE,
PAYYANNUR P.O., NEAR PAYYANNUR ARADHANA TALKIES,
KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH**

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1430 OF 2014 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT-670 001.**

BY PUBLIC PROSECUTOR SRI.SAJEEV V.S.

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 05-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.9126 of 2014
.....

Dated this the 5th day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1430/2014 of Payyannur Police Station registered for the offences punishable under Sections 447 and 436 IPC.

3. The allegation against the petitioner is that on 07.11.2014 at 10.45 p.m., he trespassed into the courtyard of the house of the defacto complainant and set ablaze motor bike bearing registration No.KL-59J-7694 of the defacto complainant, thereby causing a wrongful loss of Rs.90,000/- to the defacto complainant. The petitioner has been in custody for the period from 09.11.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The contents of the CD reveal that the

investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. The continued detention of the petitioner in custody is not required for the continued investigation of this case. It seems that kerosene was poured on the motor bike and it was set ablaze. The motor bike was of 2014 make and in the insurance policy, its value is shown as Rs.70,520/-. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail by making a provision for compensating the loss sustained to the defacto complainant.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and

subject to the following terms and conditions:-

*(i) The petitioner shall deposit an amount of Rs.70,000/- before the court below.*

*(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 08.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

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

*(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.*

*(v) 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)**

aks/05/01

*// True Copy //*

*PA to Judge*