

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 9209 of 2014

CRIME NO. 1059/2014 OF NADAKKAVU POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED NO.5 :

**DEEPAK.P.V., AGED 22 YEARS,
S/O.RAJENDRAN, PADAMVAYAL HOUSE, ELATHUR P.O.,
KOZHIKODE.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 31.**

BY PUBLIC PROSECUTOR SMT.M.MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K.P. JYOTHINDRANATH, J.

B.A. No.9209 of 2014

Dated this the 21st day of July, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. The case of the petitioner is that the petitioner is now arrayed as accused No.5 in crime No.1059/2014 of Nadakavu Police Station. It is the further submission before me that the petitioner is a young boy aged only 22 years who is an engineering student. It is the further submission that the allegation made against him is that a Yamaha FZ-S motorbike which was stolen was purchased by the petitioner as such the alleged offence is under Section 411 of I.P.C. It the further submission that the petitioner is ready to co-operate with the investigation and incarceration with hardcore criminals will destroy his future. It is also submitted before me that his studies will be adversely affected if he is arrested and incarcerated.

3. The learned Public Prosecutor submitted before

me that the offences alleged in the above crime is under Sections 379, 465, 468, 471 and 411 r/w. Section 34 of I.P.C. It is the further submission that, in this case, accused No.1 to 3 committed theft of a brand new Yamaha bike and it was sold to one boy named Bhavanan. It is the further submission that the petitioner herein received the same from the said person and was using the same making use of false registration number.

4. The learned Public Prosecutor vehemently opposed granting of anticipatory bail.

5. After considering the nature of the offence as well as age of the petitioner and also considering the allegation against the petitioner, I feel that the following order can be passed:

The petitioner, if so advised, shall appear before the Investigating Officer within 10 days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. In the light of Section 41A of Cr.P.C., if the police officer feels that

arrest is necessary, he is at liberty to arrest the petitioner. After arrest petitioner shall be produced immediately before the concerned Magistrate. On such production, if a bail application is moved giving advance notice to the concerned Prosecutor regarding the intention of the petitioner to surrender before the police, the said bail application shall be considered expeditiously, if possible on the very same day.

With the above directions, this anticipatory bail application is disposed of.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/