

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 27TH DAY OF APRIL 2018 / 7TH VAISAKHA, 1940

Bail Appl..No.2559 of 2018

CRIME NO.457/2018 OF KARUNAAGAPALLY POLICE STATION, KOLLAM DISTRICT

PETITIONER/1ST ACCUSED

SHARAFUDEEN MUSALIAR,
S/O SUBAIRKUNJU MUSALIAR,AGED 65 YEARS,
KOCHUKAIKKARA HOUSE,KOZHIKKODE DISTRICT,
MUKKU,AYANIVELIKULANGARA VILLAGE,KARUNAGAPPALLY,
KOLLAM DISTRICT.

BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH

RESPONDENT/STATE::

STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,KARUNAGAPPALLY
POLICE STATION REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682031

BY PUBLIC PROSECUTOR SRI.AMJATH ALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-04-2018,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

bng

B. SUDHEENDRA KUMAR, J.

B.A No. 2559 of 2018

Dated this the 27th day of April, 2018

ORDER

The petitioner is accused No.1 in Crime No.457 of 2018 of Karunagappally Police Station registered for the offence under Section 379 r/w Section 34 IPC.

2. The petitioner has filed this application under Section 438 of Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing this application. It has been submitted by the learned Public Prosecutor that civil cases are pending between the de facto complainant and the petitioner in respect of the property involved in this case. The allegation in this case is that the accused committed theft of 40 coconuts from the property of the de facto complainant. The accused also cut and removed three small trees from the said property, causing a loss to the tune of Rs.1,50,000/- to the de facto complainant. Considering the facts and circumstances of the case including

the fact that civil disputes are pending between the parties, I am of the view that this is a fit case where an order under Section 438 Cr.P.C. will be justified.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of the arrest of the petitioner in connection with Crime No.457 of 2018 of Karunagappally Police Station, on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Station House Officer of Karunagappally Police Station, before whom the petitioner shall surrender within ten days from today, if not arrested in the meantime and subject to the following further conditions:

i) The petitioner shall report before the investigating officer as and when required by the investigating officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in any other offence during the pendency of this case.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

ScI/28.04.2018

True Copy

PA to Judge