

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 28TH DAY OF JUNE 2019 / 7TH ASHADHA, 1941

Bail Appl..No.4580 of 2019

AGAINST THE ORDER/JUDGMENT IN CRMP 3771/2019 of DISTRICT &
SESSIONS COURT, ALAPPUZHA DATED 18-06-2019

CRIME NO.669/2019 OF Punnapra Police Station , Alappuzha

PETITIONER/S:

MUHAMMED SHA
AGED 20 YEARS
S/O. RAJA, MULLATHU VALAPPU, MULLATHU WARD,
THIRUVAMPADY P.O., ALAPPUZHA.

BY ADVS.
SRI.S.RAJEEV
SRI.D.FEROZE
SRI.K.ANAND (A-1921)
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, STATE OF
KERALA, ERNAKULAM - 682 031, (CRIME NO.
669/2019 OF PUNNAPRA POLICE STATION, ALAPPUZHA
DISTRICT) .
- 2 STATION HOUSE OFFICER,
PUNNAPRA POLICE STATION, ALAPPUZHA DISTRICT -
688 004 (CRIME NO.669/2019 OF PUNNAPRA POLICE
STATION, ALAPPUZHA DISTRICT) .

OTHER PRESENT:

SRI.C.S.HRITHWIK, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28.06.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the first accused in Crime No.669/2019 of Punnapra Police Station registered for the offences punishable under Sections 461 and 379 r/w Section 34 IPC.

2. The prosecution allegation is that on 22.05.2019 at about 9.52 p.m., the petitioner and the other accused committed theft of Rs.78,000/- from the scooter of the defacto complainant.

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

4. Heard.

5. The learned Public Prosecutor has submitted that the petitioner is not involved in any other offence of similar

nature. The petitioner is aged only 20 years. Even though the incident occurred on 22.05.2019, the matter was reported to the police only on 1.6.2019. The petitioner is a person, who also used to go to the same mosque for prayer.

6. Considering the facts and circumstances of the case, including the fact that the petitioner is a first time offender, I am inclined to grant pre-arrest bail to the petitioner.

In the result, this application stands allowed and it is directed that the petitioner shall be enlarged on bail in the event of his arrest in the above said crime 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 second respondent, before whom the petitioner shall surrender within ten days, if not arrested in the meantime and subject to the following further conditions:

i) The petitioner shall report before the Investigating Officer on every Saturday between 9 a.m. and 11 a.m. for three months and thereafter, 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.

Needless to state that if the petitioner gets involved in any other offence, the court below shall be at liberty to proceed against the petitioner in accordance with law, without any reference to this Court as held by the Apex Court in P.K.Shaji v. State of Kerala (AIR 2006 SC 100) .

Sd/-
B. SUDHEENDRA KUMAR,
JUDGE

STK

//TRUE COPY//

//P.A. TO JUDGE//