

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 29TH DAY OF NOVEMBER 2019 / 8TH AGRAHAYANA, 1941

Bail Appl..No.8563 OF 2019

CRIME NO.310/2019 OF BALUSSERY POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

ABDUL NASER,  
AGED 60 YEARS  
S/O.CHEKKUNNI, NASS MANZIL,  
NALUKANDATHIL, ELATHUR POST, KOZHIKODE.

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

RESPONDENTS/STATE:

- 1 STATE OF KERALA  
REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031,  
(CRIME NO.310/2019 OF BALUSSERY POLICE STATION,  
KOZHIKODE DISTRICT).
- 2 STATION HOUSE OFFICER,  
BALUSSERY POLICE STATION,  
KOZHIKODE DISTRICT-673612, (CRIME NO.310/2019 OF  
BALUSSERY POLICE STATION, KOZHIKODE DISTRICT).

SRI RAMESH CHAND PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
29.11.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

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

2. The applicant herein is running a jewellery in the name and style as Asian Jewellery at Atholi. He has been arrayed as the 2<sup>nd</sup> accused in Crime No.310 of 2019 of the Balussery Police Station, registered under Sections 457, 380, 461 and 411 of the IPC.

3. The records which are made available before this Court portray that on 26.05.2019 at about 1.40 pm, theft of certain gold ornaments were committed by certain unidentified persons from the house of one Krishnan.K.K. A crime was registered and in the course of investigation a person by name Shyju.C.K was arrested. When he was interrogated, he is alleged to have disclosed that the stolen gold ornaments were taken to the jewellery run by the applicant herein and the same was sold to the applicant herein. According to the prosecution, the applicant purchased the ornaments knowing the same to be stolen property. The applicant was accordingly arrayed as the 2<sup>nd</sup> accused.

4. It is submitted by the learned counsel for the applicant that the

applicant herein was running business overseas and it was recently that he had set up business in this country. According to the learned counsel, the Investigating Officer has been constantly targeting the applicant herein and he was earlier arrayed as the accused in Crime No.13/2019 registered at the very same station. The learned counsel has also referred to the order passed by the learned Session Judge granting pre-arrest bail to the applicant. He points out that when the applicant refused the request of the Investigating Officer to provide gold ornaments he was falsely implicated.

5. Heard the learned Public Prosecutor who submits that the applicant is a person who is engaged in the purchase of stolen property from felons and no indulgence need be shown to him.

6. I have considered the submissions advanced and I have perused the records, which are made available. The allegation against the applicant is that he had purchased stolen property from the 1<sup>st</sup> accused knowing that it was stolen. Having gone through the entire materials, I am of the considered view that the custodial interrogation of the applicant is not necessary for an effective investigation in the instant case.

In the result, this application will stand allowed. The applicant shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on his executing a bond for a sum of Rs.50,000/-

(Rupees Fifty thousand only) with two solvent sureties each for the like sum.

The above order shall be subject to the following conditions:

- i) The applicant shall co-operate with the investigation and shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m., for two months or till final report is filed, whichever is earlier.
- ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.
- iii) He shall not commit any similar offence while on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

SD/-

**RAJA VIJAYARAGHAVAN V**

**JUDGE**

IAP

**//TRUE COPY// P.A.TO JUDGE**