

Abilash Vs. State of Kerala

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Court : Kerala

Decided On : Oct-03-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Abilash

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF OCTOBER 2013 11TH ASWINA, 1935 Bail Appl..No. 5078 of 2013 ()
----- CRIME NO. 268/2013 OF CHITTAR POLICE STATION , PATHANAMTHITTA ----- PETITIONER/ACCUSED: -----
----- K.SAJAYAKUMAR @ KUNJU VIJAY, AGED 40 YEARS, S/O.KUNJUKRISHNAN, VIJAYA BHAVAN, SEETHATHODE P.O & CHITTAR SEETHATHODE VILLAGE, RANNI TALUK, PATHANAMTHITTA DISTRICT. BY ADVS.SRI.V.SETHUNATH SRI.S.JUSTUS RESPONDENT(S)/COMPLAINANT AND STATE: ----- 1. THE SUB INSPECTOR OF POLICE, CHITTAR POLICE STATION, PATHANAMTHITTA DISTRICT, PIN-689992.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON0310-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
PJ THOMAS P.JOSEPH, J.

===== B.A. No.5078 of 2013
===== Dated this the 03rd day of
October, 2013

ORDER

Petitioner is the accused, in Crime No.268 of 2013 of Chittar Police Station for the offences punishable under Sections 135, 138 and 150 of the Indian Electricity Act and Sec.379 of the Indian Penal Code.

2. Case is that officials of the Electricity Board inspected premises of the petitioner and noticed that the petitioner using unmetered electrical energy and that he had removed certain installations without authority. Learned counsel submits that the petitioner is only a contractor.

3. Learned Public Prosecutor asserted that the petitioner is involved in the incident.

4. Even as per the version of the petitioner as stated in the application, he is enjoying electricity from consumer No.1419 in the name of one Varghese. According to the officials, the seal of the meter was seen broken (indicating tampering).

5. Having regard to the circumstances of the case I am inclined to grant relief to the petitioner. B.A. No.5078 of 2013 -:

2. :- Resultantly this application is disposed of as under: (i) Petitioner shall surrender before the Officer investigating Crime No.268 of 2013 of Chittar Police Station on 10.10.2013 at 10.00 a.m. (ii) The officer investigating the case can interrogate the petitioner that day and shall produce him before the jurisdictional magistrate same day. (iii) The jurisdictional magistrate shall release the petitioner on bail on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the learned Magistrate

subject to the following conditions. (a) Within one month from the date of execution of bail bond as above, the petitioner shall deposit in the office of the Assistant Engineer, Kakkad Section, K.S.E.B., Rs.1,68,000/- (Rupees One lakh and sixty eight thousand only). (b) The said deposit shall be subject to the challenge if any petitioner may make to his liability to pay the said amount and final decision on such challenge. (c) Petitioner shall report to the investigating officer as and when required for interrogation. B.A. No.5078 of 2013 -:

3. :- (d) Petitioner shall not do any such offence during the period of bail. (iv) It is open to the investigating officer or the de facto complainant to move for cancellation of the bail before the jurisdictional magistrate in case any of the conditions is violated, as held in P.K. Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P.JOSEPH, JUDGE. vsv

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