

Madhukumar Vs. State of Kerala

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Court : Kerala

Decided On : May-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Madhukumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE27H DAY OF MAY20146TH JYAISHTA, 1936 Bail Appl..No. 3487 of 2014 ()
----- CRIME NO. 391/2014 OF KODUMON POLICE STATION ,
PATHANAMTITTA ----- PETITIONER/2ND ACCUSED:
----- MADHUKUMAR, AGED44YEARS,
S/O.RAGHAVAKURUP,VISHNU BHAVANAM, MALLIKAMURI THATTAYIL.P.O,
PANDALAM. BY ADVS.SRI.T.P.PRADEEP SRI.P.K.SATHEES KUMAR
RESPONDENT/COMPLAINANTS: ----- STATE OF
KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON2705-2014, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: BP THOMAS P. JOSEPH, J.

----- Bail Appl. No.3487 of 2014
----- Dated this the 27th day of May 2014

ORDER

Petitioner is the 2nd accused in Crime No.391 of 2014 of the Kodumon Police station for the offence punishable under Sec.379 read with Sec.34 of the Indian Penal Code for alleged theft of 20 Kgs of pea from the garden of the defacto complainant on 28.04.2014 at about 10 a.m., apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioner has committed the offence.

3. Learned counsel submitted that it was the 1st accused who committed the alleged offence.

4. Having regard to the relevant circumstances including that the petitioner is not reported to be involved in any other case, I am inclined to grant relief to the petitioner but subject to conditions and protecting the interest of the defacto complainant also to some extent. Bail Appl. No.3487 of 2014 2 The application is allowed as under.

1. Petitioner shall surrender before the officer investigating Crime No.391 of 2014 of the Kodumon Police station on 03.06.2014 at 10.00 am for interrogation.

2. In case interrogation of the petitioner is not completed that day, it is open to the investigating officer to direct presence of the petitioner on any other day/days and time which the petitioner shall comply.

3. Petitioner shall co-operate with investigation of the case.

4. In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day.

5. On such production learned magistrate shall release the petitioner on bail (if not required to be detained otherwise) on his executing bond for Rs.15,000/- (Rupees fifteen thousand only) with two sureties for the like Bail Appl. No.3487 of 2014 3 sum each to the satisfaction of the learned magistrate and subject to the following

conditions: a) Petitioner shall deposit Rs.2,000/- (Rupees two thousand only) in a nationalised bank (initially for a period of two years and renewable as per order of the learned Magistrate) and produce the Fixed Deposit receipt before the learned magistrate while executing the bail bond. b) In case the case is decided against the petitioner and the petitioner is made liable, such compensation to the extent it possible could be realised from the amount in deposit. c) Petitioner shall report to the investigating officer on every alternate Saturday between 10.00 am and 12.00 pm for a period of two months or until filing of the final report, whichever is earlier. d) Petitioner shall report to the Bail Appl. No.3487 of 2014 4 investigating officer as and when required for interrogation. e) Petitioner shall not get involved any offence during the period of this bail. f) Petitioner shall not influence or intimidate the witnesses. g) In case any of condition nos.(c) to (f) is violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE /True Copy / NS P.A. To Judge

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