

**Rajesh Vs. Sub Inspector**

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**SooperKanoon Citation :** [sooperkanoon.com/1153239](http://sooperkanoon.com/1153239)

**Court :** Kerala

**Decided On :** Jun-26-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Rajesh

**Respondent :** Sub Inspector

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 26<sup>H</sup> DAY OF JUNE 2014 5<sup>TH</sup> ASHADHA, 1936 Bail Appl..No. 4531 of 2014 ----- CRIME NO. 169/2014 OF VATTIYOORKAVU POLICE STATION , THIRUVANANTHAPURAM DISTRICT ----- PETITIONER / ACCUSED : ----- RAJESH, AGED 24 YEARS, S/O.DEVASAHAYAM, KADUVAKUZHY, THEKKUMKARA, MALAKUGHAL, KODUNGANNOOR.P.O.,VATTIYOORKAVU. BY ADV. SRI.A.RAJASIMHAN RESPONDENT / INVESTIGATING OFFICER : ----- STATE OF KERALA REPRESENTED BY,SUB INSPECTOR, VATTIYOORKAVU POLICE STATION, THIRUVANANTHAPURAM, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682031. BY PUBLIC PROSECUTOR SMT.LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS P. JOSEPH, J.

----- Dated this the 26th day of June 2014

## ORDER

Petitioner is accused in Crime No.169 of 2014 of the Vattiyoorkavu Police station for the offences punishable under Secs.454, 461 and 380 of the Indian Penal Code for alleged theft of 50 Kgs of latex after breaking open the shed in the plantation and its removal in an autorickshaw, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the stolen articles is not so far recovered and interrogation of the petitioner is required.

3. Learned counsel submitted that the petitioner is a 22 year old young man who is not involved in any other case. His mother is working as a made servant in the house of the defacto complainant and the petitioner is implicated merely on the strength of some suspicion.

4. Since recovery is not so far effected, request of Bail Appl. No.4531 of 2014 2 the petitioner for pre arrest bail cannot be allowed. Petitioner has to be subjected to interrogation. In case recovery is effected, it is open to the petitioner to request the learned magistrate to release him on bail. In that situation, the learned magistrate shall consider the circumstances stated by the learned counsel. The application is disposed of as under.

1. Petitioner shall surrender before the officer investigating Crime No.169 of 2014 of the Vattiyoorkavu Police station on 04.07.2014 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 at all reasonable time and place.

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

4. In case arrest of the petitioner is recorded, Bail Appl. No.4531 of 2014 3 he shall be produced before the jurisdictional magistrate the same day where it is open to

the petitioner to request for bail with intimation given to the Assistant Public Prosecutor concerned at least two working days in advance.

5. If custody of the petitioner is required for any purpose, the investigating officer also can move application before the learned magistrate.

6. Learned magistrate shall consider the application(s) having regard to all relevant circumstances including whether if the material object is seized/recovered, detention of the petitioner is required for any purpose and pass appropriate orders as early as possible. THOMAS P. JOSEPH JUDGE NS

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