

A V Johnson vs State of Kerala

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Court : Kerala

Decided On : May-07-2024

Judge : Honourable Mr. Justice C.Pratheep Kumar

Appeal No. : Bail Appl./3654/2024

Appellant : A V Johnson

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR
TUESDAY, THE 7TH DAY OF MAY 2024 / 17TH VAISAKHA, 1946 BAIL
APPL. NO. 3654 OF 2024 CRIME NO.71/2024 OF Pattambi Police
Station, Palakkad CRMC NO.2073 OF 2024 OF DISTRICT COURT &
SESSIONS COURT, PALAKKAD PETITIONER/ACCUSED No.1: A V
JOHNSON AGED 60 YEARS S/O GEEVARGHESE, AMBALATHINGAL
HOUSE, MATTOM, THACHAMPARA, PALAKKAD, PIN - 678593 BY
ADVS. T.K.SANDEEP SWETHA R.
RESPONDENT/COMPLAINANT/STATE: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 OTHER PRESENT:

SR.PP.C.N.PRABHAKARAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.PRATHEEP KUMAR, J.

----- Bail Application No.3654 of 2024
----- Dated this the 7th day of May, 2024

ORDER

1. This is an application for regular bail filed under Section 439

Cr.P.C by the 1st accused in Crime No.71/2024 of Pattambi Police Station. The offences alleged against the petitioner are under Sections 120B, 395, 212 and 427 IPC.

2. The Prosecution case is that on 31.01.2024 at 10.20 am. while

the defacto complainant along with his brother in law was travelling in a Wagon R Car bearing registration No. TN-99-A- 5896, the petitioner along with other accused persons intercepted the car, broke open the glass of the Wagon R, dragged the defacto complainant and the brother in law out of the car and committed theft of an amount of Rs.44,50,000/- and two mobile phones.

3. The petitioner is in custody since 07.02.2024.

4. When the matter came up for hearing, the learned counsel for the petitioner submitted that so far final report has not been filed and as such the petitioner is entitled to get statutory bail.

5. The learned Public Prosecutor opposed the application and on instructions submitted that final report has not been filed till today and also that it will not be filed today. 90 days will be completed today.

6. In the above circumstances, the petitioner is entitled to get statutory bail under Section 167 (2) Cr.PC.

7. In the result, this application is allowed subject to the following conditions :-

(i) The petitioner is released on bail on executing bond for Rs.50,000/- (fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the trial court.

(ii) The petitioner shall co-operate with the investigation. He shall not intimidate or influence the witnesses or tamper with the evidence.

(iii) The petitioner shall not involve himself in similar offence

while on bail. Sd/- C. PRATHEEP KUMAR, JUDGE sou. APPENDIX OF BAIL APPL. 3654/2024 PETITIONER ANNEXURES Annexure I TRUE COPY OF THE FIR IN CRIME 71/2024 OF PATTAMBI POLICE STATION DATED 31.01.2024 Annexure II ORDER DATED 22-04-2024 IN CRMC COURT, PALAKKAD

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