
(2021) 02 KL CK 0041
In the High Court Of Kerala
Case No : Bail Application No. 1835 Of 2021

Jithinraj

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 22-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 379, 392

Citation : (2021) 02 KL CK 0041

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : V.A. Johnson, Santhosh Peter

Final Decision : Allowed

Judgement

1. Application for regular bail under Section 439 of Cr.P.C. The applicant is the sole accused in Crime No.49/2021 of Nenmara Police Station,

Palakkad for having allegedly committed offences punishable under Section 392 of IPC.

2. The prosecution case, in brief, is that on 04.02.2021 at about 2.45 p.m., the applicant committed robbery of gold chain weighing about three

sovereigns worth Rs.1,18,000/- from Thrissur Fassion jewellery situated at Nenmara Bus stand belonging to the de facto complainant and thus

committed the offence.

3. The applicant states that the allegations are not true. He has no criminal antecedents. He was apprehended on the same day and the allegedly

stolen article was recovered and therefore further detention may not be necessary.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned counsel appearing for the applicant submits that it is doubtful whether offence under 392 of IPC would be attracted because there were no use of force or intimidation or threat of any violence on the part of the applicant and that be so it is a simple case of theft attracting offence under Section 379 of IPC and not under Section 392 of IPC.

6. The learned Public Prosecutor submits that he was examining the jewellery in the jewellery shop and at that time he picked up an ornament and attempted to flee and when the security person attempted to stop him he pushed him aside used force and escaped from there. Therefore, there is sufficient materials to indicate that the he is involved in an act of robbery.

I am not coming towards the allegations regarding whether the applicant could be held up for offence of robbery or theft. But it would suffice to

conclude that the learned Public Prosecutor has admitted that the applicant has no criminal antecedents and the recovery of the jewellery has been

completed and therefore, further detention of the applicant may not be necessary. Hence, the Bail Application is allowed and the applicant is directed

to be released on bail on execution of bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties, each for the like amount to the

satisfaction of the jurisdictional court and on following conditions:-

(i) He shall not get involved in similar cases during the currency of the bail.

(ii) He shall appear before the investigating officer as and when called for.

(iii) He shall not tamper with evidence, intimidate or influence the witnesses .

In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional court.