

(2023) 06 KL CK 0145

In the High Court Of Kerala

Case No : Bail Application No. 4418 Of 2023

Saneeshkumar

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-06-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 324, 341, 392, 427, 452
Kerala Prevention of Damage to Private Property and Payment of Compensation Act,
2019 — Section 3, 5, 6, 8

Citation : (2023) 06 KL CK 0145

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : P.M.Ziraj, Irfan Ziraj, Sreeja V

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application for regular bail filed under section 439 of the Code of Criminal Procedure 1973.

2. Petitioners are accused Nos.1 to 3 in Crime No.511/2023 before the Ottapalam Police Station, Palakkad district. The offences alleged against the petitioners are under sections 341, 324, 452, 392 and 427 r/w Section 34 of the Indian Penal Code, 1860 apart from Sections 3 and 5 of the Kerala Prevention of Damage to Private Property and Payment of Compensation Act, 2019.

3. According to the prosecution, on 26.05.2023 at 05.30 hours, the accused restrained vehicles from entering into an establishment by the name 'PPK Granite' by closing its entrance with a lorry and thereafter trespassed into the company and destroyed various articles, causing a loss of Rs.2,50,000/- (Rupees two lakh fifty thousand only) and also took the mobile phone of the defacto complainant after assaulting them using a wooden stick and thereby committed

the offences alleged.

4. I have heard Sri.P.M.Ziraj, the learned counsel for the petitioners and Smt.Sreeja V, the learned Public Prosecutor.

5. As per Section 8 of the Kerala Prevention of Damage to Private Property and Payment of Compensation Act, 2019, no person accused under Section 5 or Section 6 shall be released on bail on execution of bond by two sureties and depositing in the Court the amount not less than one half the value of the property destroyed or damaged as may be determined by Court on the basis of police report or on furnishing bank guarantee for the said amount and the prosecution has been given an opportunity to oppose the application.

6. The learned Public Prosecutor opposed the application for bail, contending that without deposit of the amount contemplated under Section 8 of the Act, the petitioners ought not to be released on bail.

7. As per the First Information Report and the Police Report, the loss is quantified at Rs.2,50,000/- (Rupees two lakh fifty thousand only). Taking note of the period of detention of the petitioners from 26.05.2023, I am of the view that the petitioners can be released on bail. However, in view of Section 8 of the Act, under specific conditions:

8. In the result, this application is allowed on the following conditions:-

(a) Petitioners shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each, with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioners shall deposit Rs.1,25,000/- (Rupees one lakh twenty five thousand only) in the Government Treasury and produce the receipt before the jurisdictional court.

(c) Petitioners shall appear before the Investigating Officer as and when required.

(c) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence.

(d) Petitioners shall not commit any similar offences while they are on bail.

(e) Petitioners shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.