

(2021) 09 KL CK 0083
In the High Court Of Kerala
Case No : Bail Appl. No. 6776 Of 2021

Senthil

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 10-09-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 342, 365, 395

Citation : (2021) 09 KL CK 0083

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : V.A.Vinod, Sreeja V

Final Decision : Allowed

Judgement

Shircy V, J

1. The petitioner, who is the 7th accused in Crime No. 901 of 2021 of Town West Police Station, Thrissur registered for the offences punishable under Sections 365, 342 and 395 of Indian Penal Code, has moved this application for his release on bail under Section 439 of the Code of Criminal Procedure.

2. The prosecution allegation in brief is as follows:

The defacto complainant is a widower residing at Thrissur. His wife expired two years back. Both his sons are married and living separately. So, he decided to have a second marriage and he made an advertisement in Malayala Manoama daily inviting proposals. Then he received a letter from Thiruppur to the effect that a lady is there, willing for a second marriage with the defacto complainant. He had also received an invitation to Thirippur to meet the lady. So, he along with the father-in law of his son proceeded to Thiruppur by train on 09.03.2021 and reached there on 10.03.2021 at about 12 noon. When they reached the railway station, the 1st accused and another accused were waiting in the railway station to welcome them and they took them to a farm house at Thiruppur. When

they reached there, they were wrongfully restrained by the accused and they have stolen the entire articles in their possession. They have also taken the entire money in their possession and also certain documents including the ATM card. Thereafter, using the ATM card, they have withdrawn a sum of Rs.3,90,000/-. They have also committed theft of the gold ring, wrist watch and all their belongings and wrongfully restrained them in the farm house. Later, somehow or other the defacto complainant along with his relative escaped from their clutches and thereafter reached Thrissur and then lodged this complaint against the accused and thus the crime was registered.

3. This petitioner, who is arraigned as the 7th accused is in custody since 16.07.2021.

4. The learned counsel has raised a plea of false implication and submitted that he is totally innocent of the allegations levelled against him, but he is languishing in jail for the last two months.

5. The learned Public Prosecutor refuted the claim raised by the learned counsel for the petitioner that this petitioner is innocent. It is pointed out that on the basis of his statement, the gold ring which belonged to the defacto complainant and looted by the accused persons along with the money and certain valuable items were recovered by the investigating agency and all the accused persons have also been arrested and now investigation is well in progress.

6. This petitioner is admittedly from Tamil Nadu. He is not having a place of abode in Kerala. But the learned Public Prosecutor submitted that he is not having any criminal antecedents. As accused Nos. 4 to 6 have already been enlarged on bail, I think that this petition can also be allowed.

Therefore, this application is allowed subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer on alternate Saturdays between 10.30 a.m. and 11.30 a.m. for a period of two months or till the filing of the final report, whichever is earlier.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.