

(2021) 09 KL CK 0116
In the High Court Of Kerala
Case No : Bail Appl. No. 6801 Of 2021

Shamer

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 10-09-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 380, 457

Citation : (2021) 09 KL CK 0116

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : M.R.Sasith, Manu.P.G

Final Decision : Dismissed

Judgement

Shircy V, J

1. The petitioners are the accused Nos.1 and 2 in Crime No.805 of 2021 of Kayamkulam Police Station registered for the offences punishable under Sections 457, 380, 34 of Indian Penal Code.
2. The prosecution allegation is that the petitioners during the intervening days from 27.3.2021 and 28.7.2021 with the common intention to commit theft had trespassed into a furniture godown by name 'Olive Furniture Shop' by using a forged key which was made by them and committed theft of furnitures worth Rs.35 lakhs and sold it to various persons with the connivance of accused No.3 and thereby committed the aforesaid offences.
3. They are in custody since 11.8.20.21.
4. Heard the learned counsel for the petitioners as well the learned Public Prosecutor.
5. The learned counsel for the petitioners would submit that they are totally innocent of the allegations levelled against them. Moreover they are in custody for about one month. Hence, the application.

6. This application is vehemently opposed by the learned Public Prosecutor contending that though articles worth Rs.35 lakhs had been lost in the theft committed by these petitioners all the items have not been recovered. So if these petitioners are released on bail at this stage, they will definitely tamper with the evidence by influencing the witnesses who had purchased the stolen articles from these petitioners.

7. It is true that they are in custody for the last one month. But the offences alleged against them are grave and serious in nature. The entire stolen articles have not been recovered by the investigating agency. The nature of the accusations levelled against these petitioners would show that they require some more time to complete the investigation. As various items have been stolen by these petitioners definitely the investigating agency has to gather the information by taking a detailed probe.

Such being the state of affairs though these petitioners are having no criminal antecedents and first offenders, I am not inclined to release them on bail at this stage. Hence, the request for regular bail is rejected and this petition stands dismissed.