

Kerala High Court

Kaliyamma vs The Station House Officer on 16 October, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 5958 of 2009()

1. KALIYAMMA, W/O.SUBRAHMANI, H.NO.3,  
... Petitioner

Vs

1. THE STATION HOUSE OFFICER,  
... Respondent

For Petitioner :SRI.T.MADHU

For Respondent : No Appearance

The Hon'ble MR. Justice K.T.SANKARAN

Dated :16/10/2009

O R D E R

K.T.SANKARAN, J.

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B.A.No.5958 of 2009  
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Dated this the 16th day of October, 2009

ORDER

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioner is the sole accused in Crime No.545 of 2009 of Gandhinagar Police Station, Kottayam.

2. The offence alleged against the petitioner is under Section 379 of the Indian Penal Code.

3. The prosecution case is that on 1.9.2009, while the defacto complainant was travelling in a bus, the accused committed theft of her purse containing Rs.5,000/-. The petitioner was caught red handed. The petitioner was arrested on the same day and she was remanded to judicial custody.

4. The petitioner belongs to Tamil Nadu. It is stated that she is a coolie. According to the petitioner, she is residing in a rented house at Erattupetta. Her husband is also a coolie, states the learned counsel for the petitioner. It is also submitted by the learned counsel for the petitioner that the petitioner is prepared to comply with any condition that may be imposed by the court.

5. The learned Public Prosecutor submitted that charge was laid in the case on 12.9.2009.

6. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioner, the nature of the offence and also the fact that charge was laid in the case, I am of the view that bail can be granted to the petitioner.

The petitioner shall be released on bail on her executing bond for Rs.25,000/- with two solvent sureties, who own immovable properties in the State of Kerala, for the like amount to the satisfaction of the Judicial Magistrate of the First Class, Ettumanoor, subject to the following conditions:

- a) The petitioner shall report before the Station House Officer, Gandhinagar Police Station, Kottayam between 9 A.M. and 11 A.M. on every Monday and Thursday until further orders;
- b) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- c) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- d) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The sureties shall produce the title deeds in respect of their immovable properties for perusal by the learned Magistrate.

The Bail Application is allowed as above.

K.T.SANKARAN, JUDGE csl