

Achi vs The Station House Officer on 10 June, 2009

Author: K.T. Sankaran

Bench: K.T.Sankaran

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 3026 of 2009()

1. ACHI, AGED 24 YEARS,
... Petitioner

Vs

1. THE STATION HOUSE OFFICER,
... Respondent

For Petitioner :SRI.R.SUDHISH

For Respondent :PUBLIC PROSECUTOR

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

Dated :10/06/2009

O R D E R

K.T. SANKARAN, J.

B.A. No. 3026 of 2009

Dated this the 10th day of June, 2009

O R D E R

This is an application for bail under Section 439 of the Code of Criminal procedure. The petitioner is the accused in Crime No.274/2009 of Kasaba Police Station, Kozhikode.

2. The offence alleged against the petitioner is under Section 393 of the Indian Penal Code.

3. The prosecution case is that the accused attempted to commit robbery of a bracelet owned by the child of the defacto complainant at a place near the reception counter of the Comtrust Hospital. The hospital staff, on suspicion, produced the accused before the police. It is stated that the defacto complainant identified the accused as the person who attempted to commit robbery. The learned Sessions Judge rejected the Bail Application as per order dated 28/05/2009. The petitioner is a person belonging to Tamil Nadu. It is stated in the order itself that the petitioner is a resident in Railway purampoke. The learned Public Prosecutor submitted that charge was laid on 21/05/2009.

4. 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 that the charge was laid, I am of the view that bail can be granted to the petitioner.

5. The petitioner shall be released on bail on her executing bond for Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the Chief Judicial Magistrate, Kozhikode. The sureties shall be persons belonging to Kozhikode or Kannur District owning immovable properties and they should produce their title deeds for perusal and verification by the court. The grant of bail shall also be subject to the following conditions:-

A) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence.

B) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail.

C) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

K.T. SANKARAN, JUDGE scm