

***IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE
Thiruvananthapuram.***

***Present: Shibu Daniel
Additional Chief Judicial Magistrate***

Friday the 20th day of January 2023

Crl. MP 142/2023

IN

Crime No. 1406/2022 of Poojappura Police Station

Petitioner / Accused	Sivan K.P, 37 years, S/o Kumaran, Kandan Parambil Veedu, Kattipparuthi, Kavumpuram, Valancheri Village, Malappuram (By Adv. Sri. Ajith Kumar S R)
Respondent	State of Kerala represented by the Sub Inspector of Police, Poojappura Police Station in crime No. 1406/2022 (By A P P)
offences	U/s 379 of IPC
Order	Bail application is allowed

ORDER

1. This is the second bail application filed on behalf of the accused who is alleged to have committed offence u/s 379 of IPC.
2. The allegation against the petitioner is that he committed theft of the Honda Activa Scooter bearing registration No. KL-01-CL-1304 worth Rs.60,000/- from in front of a bakery in Thirumala Ward, Thirumala Village at some time between 2.45 pm and 2.55 pm on 24/12/2022, thereby committing the aforesaid offence.
3. The accused was arrested on the same day of the incident and produced before this court on 25/12/2022 and was remanded to judicial custody.
4. Heard both sides. I have perused the report and case records.
5. The only point that arises for consideration is whether the petition is to be allowed.

6. The point : The petitioner is stated to have committed theft of a scooter and while escaping from the place with the stolen vehicle, he fell down and the police party had taken him to the hospital. It was thus that the petitioner happened to be apprehended on the date of the incident itself, immediately after it occurred. The earlier bail application filed by the petitioner was dismissed earlier. So far, the investigating officer has not been able to complete the investigation and filed final report in the case, in spite of the incident having occurred and the petitioner having been arrested on 25/12/2022. Considering the nature of the case, the manner in which it was committed and the period of custody undergone, this court is of the finding that the petitioner can be released on bail with appropriate conditions.

In the result, the CMP is allowed and the bail is granted as follows:

1. Execute bond for Rs.25,000/- with two solvent sureties for the like sum.
2. He shall appear before the investigating officer between 9 am and 11 am on every Thursday for a period of 30 days from the date of his release or till completion of investigation, whichever happens earlier.
3. He shall not get involved in any offence of a like nature.
4. He shall not influence or intimidate any person familiar with the facts of the case.

Dated this the 20th day of January 2023.



Shibu Daniel
Additional Chief Judicial Magistrate,
Thiruvananthapuram.