

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

FRIDAY, THE 30<sup>TH</sup> DAY OF JULY 2021 / 8TH SRAVANA, 1943

BAIL APPL. NO. 5663 OF 2021

CRIME NO.916/2021 OF HILL PALACE POLICE STATION, THRIPIUNITHURA,  
ERNAKULAM

PETITIONER/ACCUSED NO. 1:

ABHIJITH .T.A  
AGED 19 YEARS  
S/O. ANILKUMAR T.P.  
MUREKKATTU HOUSE  
NEAR POTTA TEMPLE, EROOR WEST P.O.  
THRIPIUNITHURA, ERNAKULAM - 682 306

BY ADV. VIVEK VENUGOPAL

RESPONDENT/COMPLAINANT:

STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA  
ERNAKULAM  
KOCHI - 682 031

SRI. SANTHOSH PETER, SENIOR PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.07.2021,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER**

This is an application filed under Section 439 of the Code of Criminal Procedure. Petitioner is the first accused in Crime No. 916/2021 of Hill Palace Police Station, Thripunithura which was registered alleging offence under Sections 454, 461, 380 read with 34 of the Indian Penal Code. The other two persons are juvenile-in-conflict with law.

2. It is alleged that the petitioner and other two persons in furtherance of their common intention had committed theft of an amount of Rs.4,000/- and also stolen brass light lamps worth Rs.6,500/- and Rs.2,500/- from the temple; later on 24.07.2021, the accused was arrested by the police and since then is in judicial custody.

3. I heard the learned counsel on both sides. Highlighting Annexure 1 remand report, the learned counsel for the petitioner submits that the stolen articles have already been recovered on the basis of the information furnished by the petitioner and that his further detention is not warranted.

4. The learned Public Prosecutor also endorsed the submission that he is only 19 years old, that no criminal

antecedents is noticed against him.

5. The petitioner is an young boy of 19 years; he does not have criminal antecedents; he is in custody from 24.07.2021 onwards; the stolen articles have already been recovered and therefore, his further detention is not necessary.

6. Moreover, it is submitted that the matter has been settled and the petitioner is intending to move this Court for quashing the proceedings. Whatever it may be, his continued detention is not warranted and the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
- ii) He shall not try to contact or influence the witnesses or tamper with the evidence;
- iii) He shall not involve in any crime during the bail period;
- iv) He shall not leave the country without permission of the jurisdictional Court;
- v) He shall appear before the committal court/trial court as and when required;
- vi) The petitioner shall strictly follow the various guidelines issued by the State and Central Governments with

respect to keeping of social distancing in the wake of Covid 19 pandemic;

- vii) If any of the above conditions are violated by the petitioner, the jurisdictional Court will be at liberty to cancel the bail in accordance with law.

This bail application is allowed as above.

**SD/-**

**K. HARIPAL**

**JUDGE**

**DCS/30.07.2021**