

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl..No. 842 of 2015

CRIME NO. 33/2015 OF KUDIYANMALA POLICE STATION.
.....

PETITIONER:

**SAJU JOSEPH, AGED 41 YEARS,
S/O.K.M.JOSEPH, KONNAIKKAL HOUSE,
KUDIYANMALA P.O., KANNUR DISTRICT.**

**BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH**

RESPONDENT:

**STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
KUDIYANMALA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.842 2015
.....

Dated this the 18th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.33/2015 of Kudiyanmala Police Station registered for the offences punishable under Sections 324, 308, 294(b) and 506(ii) IPC. Presently, the offences are altered to Sections 452, 332, 308, 294(b) and 506(ii) IPC.

3. The allegation against the petitioner is that on 20.01.2015 at 12.50 p.m., he committed trespass into the Panchayat office and attacked the de facto complainant, who is a Panchayat Member. It is alleged that he beat the de facto complainant with a bunch of keys and abused him and criminally intimidated him. It is further alleged that the provocation on the part of the petitioner was the allegation that the de facto complainant had made sexual overtures

towards a lady Panchayat Member.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. It seems that the offence under Section 324 IPC has been deleted. *Prima facie*, the offence under Section 452 IPC cannot be attracted as it is a Panchayat office, where the petitioner can also have access. With regard to the offence under Section 332 IPC, I am of the view that the same also cannot be attracted. On going through the allegations, I do not find sufficient materials to invite the offence under Section 308 IPC also. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five

thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/03

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PA to Judge