

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 931 of 2015 (B)

CRIME NO. 163/2015 OF MUNAMBOM POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

JUSTIN JHONY, AGED 35 YEARS
S/O. JHONY, THACHIL HOUSE, NORTH KUTHIYATHODE
ALUVA.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENTS/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031
(CRIME NO. 163/2015 MUNAMBAM POLICE STATION
ERNAKULAM DISTRICT.)
2. STATION HOUSE OFFICER
MUNAMBAM POLICE STATION
ERNAKULAM DISTRICT (CRIME NO. 163/2015 OF MUNAMBAM
POLICE STATION ERNAKULAM)

BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.931 of 2015 C

Dated this the 25th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.163/2015 of Munambam police station registered for the offences punishable under Sections 447 and 326 of the I.P.C.

3. The allegation against the petitioner is that on 7.2.2015 at 8.30 p.m., he trespassed into the court yard of the house of the *defacto complainant* and beat the *defacto complainant* with an iron pipe, thereby the *defacto complainant* sustained a fracture of the bone of his left wrist.

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

5. It seems that the parties were in loggerheads for the last many years. The petitioner is none other than the son-in-law of the *defacto complainant*. According to the learned counsel for the petitioner, the petitioner had approached *defacto complainant* by requesting that his child should be sent along with him, as it was the birthday of the child. His request fell in deaf ears and the same provoked the petitioner. It is alleged that the petitioner was attacked by the inmates of the house, whereby he also sustained grievous hurt, for which crime No.161/2015 of Munambam police station has been registered. The accused in the said case was granted anticipatory bail. Still the petitioner is applied with plaster cast.

6. It seems that the petitioner had committed trespass into the court yard of the house of the *defacto complainant* and it was he caused the incident. At the same time, it seems that he also sustained grievous hurt. Considering all the above, I am of the

view that anticipatory bail can be granted to the petitioner on stringent conditions.

7. 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 1.4.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of the Munambam police station, Ernakulam for a period of six months from today.

(iii) The petitioner shall not tamper with the

evidence or influence witnesses.

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

(v) 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

dl

// TRUE COPY //

PA to Judge