

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 1015 of 2015 ()

CRIME NO. 105/2015 OF OONNUKAL POLICE STATION, ERNAKULAM.

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PETITIONER(S):

**SAJI K.GEORGE, AGED 47 YEARS,
KIZHAKKEDATHU HOUSE, THALAKODU POST,
CHULLIKKANDAM, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.SIMOD SIVAN,
SRI.A.A.MUHAMMED NASSAR.**

RESPONDENTS:

- 1. SUB INSPECTOR OF POLICE,
OONNUKAL POLICE STATION,
ERNAKULAM-682 042.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No.1015 of 2015

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Dated this the 4th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.105 of 2015 of the Oonnukal Police Station, pending investigation for the offences punishable under Sections 447, 324 and 308 of the Indian Penal Code.

3. The allegation against the petitioner is that on 05.02.2015 at 11.00 p.m., he trespassed into the compound of the house of the defacto complainant and inflicted a cut aimed at the forehead of the husband of the defacto complainant, which when warded off, resulted in an injury on his forehead and an injury on his left hand.

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

5. The learned counsel for the petitioner has pointed out

that originally the crime was registered for the offences under Sections 447 and 324 of the Indian Penal Code as the injuries were very trivial. Subsequently, the Police have incorporated Section 308 of the Indian Penal Code, solely with a view to denying bail to the petitioner, it is argued. The learned counsel for the petitioner has pointed out that the defacto complainant and her husband were in inimical terms with the petitioner. It is a fact that the crime was originally registered for the offences punishable under Sections 447 and 324 of the Indian Penal Code and subsequently the offence under Section 308 of the Indian Penal Code has also been incorporated in the matter. No criminal antecedents have been reported against the petitioner. It seems that the petitioner is a patient, who is in need of treatment as he is suffering from bipolar mental illness as well as acute diabetes. Considering the facts and circumstances of the case and the argument put forwarded by the learned counsel for the petitioner, I am of the view that anticipatory bail can be granted to the petitioner.

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 Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each 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 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 11.03.2015 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

DSV/4/3/15

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P.A. To Judge