

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 1017 of 2015 ()

CRIME NO. 1533/2014 OF THOPPUMPADY POLICE STATION, ERNAKULAM DIST.

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PETITIONER/ACCUSED:

**JOSEPH BAIJU, AGED 38 YEARS,
S/O.ROBERT, KUNNEL HOUSE, KALATHARA,
KANNAMALY, KOCHI.**

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

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(CRIME NO.1533/2014 OF THOPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
THOPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT,
(CRIME NO. 1533/2014 OF THOPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT.LISHA. M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

SUNIL THOMAS, J.

B.A. No.1017 OF 2015

Dated this the 9th day of July, 2015

O R D E R

The second accused in Crime No.1533/2014 of Thoppumpady police station apprehending arrest for offences punishable under Sections 326 & 294(b) read with Section 34 IPC seeks pre-arrest bail.

2. The allegation of the prosecution is that on 28/10/2014 at about 9.30 p.m., the defacto complainant was attacked by the accused. He sustained fracture injury of metacarpal. On the basis of the FIS lodged, a crime was registered and the police arrested the first accused. The second accused seeks bail.

3. Heard both sides and perused the records.

4. It is seen from the records that the first accused committed specific overtact of attacking the de facto complainant with an iron rod. He was since arrested and the iron rod was recovered. The allegation against the second accused is sought to be established with the aid of Section 34 IPC. Whether he acted in combination with the first accused, that too with the knowledge of causing bodily injury, is essentially a fact that has to be proved through the oral testimony of the de facto complainant. 2nd accused has not committed any specific overtact. Considering these facts, I feel that at this length of time a

custodial interrogation of the applicant is not warranted and he can be granted bail, subject to the following conditions:

i). The applicant herein shall appear before the Investigating Officer on 18/7/2015 between 9 and 10 a.m. and offer himself for interrogation. In the event of he being arrested by the Investigating Officer, he shall be released on bail on he executing a bond for a sum of Rs.30,000/- (Rupees thirty thousand only), with two solvent sureties for the like sum each.

ii). He shall appear before the Investigating Officer as and when required and shall not, in any manner, interfere with the course of investigation.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

