

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 1258 of 2015

**CRIME NO. 244/2015 OF THOPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED :

**DINU JOSEPH, AGED 27 YEARS,
S/O.JOSEPH, KUNNATH HOUSE,
MUNDAMVELI RAMESHWARAM VILLAGE, ERNAKULAM.**

BY ADV. SRI.K.P.MADHU

RESPONDENT(S)/COMPLAINANT :

**STATE,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THOPPUMPADY POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.1258 OF 2015

.....
Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.244/2015 of the Thoppumpady Police Station, Ernakulam registered for the offences punishable under Sections 307 and 324 of the Indian Penal Code.

3. The allegation against the petitioner is that on 24.02.2015 at 11 a.m., he attacked the defacto complainant with a steel knife and inflicted very serious injuries on the left arm, right cheek etc. of the defacto complainant. When the son of the defacto complainant came to his rescue, he

was also attacked and stamped on his left foot. The petitioner has been in custody for the period from 24.02.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. It is true that the allegations levelled against the petitioner are very grave and serious. It seems that the defacto complainant has sustained very serious injuries. At the same time, no criminal antecedents have been reported against the petitioner. I do not think that continued detention of the petitioner in custody is required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and

the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) Except for observing condition No.(ii) below, the petitioner shall not enter the local limits of the Thoppumpady Police Station, Ernakulam for a period of six months from today.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 31.03.2015 for a period of six months.

(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

ul/-

[True copy]

P.S. to Judge