

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 1759 of 2015

AGAINST THE ORDER IN CRL.M.C 433/2015 OF THE SESSIONS COURT,
ERNAKULAM DATED 24-02-2015

CRIME NO. 2070/2014 OF KALADY POLICE STATION, ERNAKULAM

PETITIONER:

JOMESH JOSE, AGED 29 YEARS,
S/O.JOSE,
PARLEN HOUSE, AYYAPUZHA,
ERNAKULAM DISTRICT.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SRI.C.DINESH
SRI.G.RENJITH
SMT.ASHA BABU
SMT.AMMU CHARLES
SMT.JINNU SARA GEORGE

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
ERNAKULAM
2. THE STATION HOUSE OFFICER,
KALADY POLICE STATION,
KALADY,
ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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P.UBAID, J.

B.A No.1759 of 2015

Dated this the 8th day of May, 2015

O R D E R

The petitioner herein is the 1st accused in Crime No.2070/2014 of the Kalady Police Station, registered under Sections 452, 323, 506(ii) r/w 34 of the Indian Penal Code. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Sessions Judge, Ernakulam on 24.2.2015. The petitioner has been in judicial custody since 4.1.2015.

2. The prosecution case is that as part of a criminal design, the petitioner and the co-accused assaulted the defacto complainant and inflicted very serious injuries on his body.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. It is submitted by the learned Public Prosecutor that the petitioner herein is involved in so many crimes, and that he is included in the list of rowdies. It is also submitted that

many of the crimes involve offences under Sections 307 and 308 of the Indian Penal Code. In such a circumstance it would be inappropriate to release the petitioner on bail. However, when the trial proceeds the question of releasing him on bail can be considered by the trial court appropriately.

5. On hearing both sides, and on a perusal of the materials including the case diary I find that the petitioner cannot be now released on bail. I find that the effective investigation is in progress, and that the accused will obstruct the investigation if he is now released on bail. On a perusal of the case diary, I find that some more important witnesses remain to be questioned by the police, and some materials remain to be collected as part of investigation. This process will be obstructed if the petitioner is now released.

In the result this application for bail is dismissed.

**P.UBAID
JUDGE**

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