

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 1775 of 2015

**CRIME NUMBER NOT KNOWN OF KOOHATTUKULAM POLICE STATION,
ERNAKULAM DISTRICT.**

PETITIONER:

**JOLY PETER, AGED 42 YEARS,
S/O.PETER, PULIKKITHADATHIL,
ELANJI VILLAGE, ELANJI P.O.,
KOOHATTUKULAM.**

BY ADV. SRI.SHAJI JOSEPH

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KOOHATTUKULAM POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LISHA.M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

SUNIL THOMAS, J.

B.A. No.1775 of 2015

Dated this the 10th day of July, 2015

O R D E R

The petitioner stands indicted for the offence punishable under Section 447 IPC and provisions of PDPP Act in Crime No.202/2015 of Kathattukulam Police station. Even though the petitioner did not disclose the crime number, name of the police station and the offence alleged against him, in the light of the submissions of the learned public prosecutor that he stands accused in the above crime and the CD, being available, the bail application is considered and orders passed.

2. The allegation in the FIR is that the accused trespassed into a portion of the Government land belonging to the Veterinary Hospital and filled it with earth. It is alleged that in the course of the above, JCB was also used. Since the complaint was lodged, a crime was registered and the police is investigating. The petitioner apprehends arrest and hence this pre-arrest bail application.

3. It is seen that the accused is the owner of the neighbouring property. The contention of the learned counsel for the petitioner is that when the petitioner was conducting earth work in his property, accidentally some soil must have fell into the adjoining thondu. Pursuant to the crime registered, mahazar prepared, measurement

taken and the exact area alleged to have been trespassed is brought on record. The question, whether he has actually trespassed into any Government Land or not, is a matter which can be proved by records, for which custodial interrogation of the petitioner is not required. Hence, I am inclined to grant bail to the petitioner subject to the following conditions:

i). The petitioner shall appear before the Investigating Officer on 21/7/2015 between 10 and 11 a.m.. He shall undergo interrogation and thereafter, if it is proposed to arrest him, he shall be released on bail, on he executing a bond for Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties for the like sum.

ii). The petitioner shall co-operate with the investigation and shall not, threaten, coerce or intimidate the de facto complainant and the witnesses.

Iii). The petitioner shall not encroach into the area alleged to have been trespassed and shall not commit any further offence of similar nature.

The application is allowed as above.

Sd/-

SUNIL THOMAS

Judge

dpk

/true copy/ PS to Judge.

