

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Bail Appl..No. 5063 of 2015 ()

CRIME NO. 1429/2014 OF ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT

PETITIONER/1ST ACCUSED:

**JOY NELSON, S/O. P.NELSON, AGED 45 YEARS,
AMIGO CASA HOUSE (BIJU BHAVAN),
PERUMON -MUNDAKKAL, CHITTAYAM, INCHAVILA P.O.,
PERINAD, KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT/COMPLAINANT:

**STATE
REPRESENTED BY THE STATION HOUSE OFFICER,
ANCHALUMMOODU POLICE STATION,
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.5063 of 2015

Dated this the 31st day of August, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.1429 of 2014 of Anchalummodu Police Station registered for the offences punishable under Sections 294(b), 452, 341, 323, 354 and 394 r/w Section 34 of the Indian Penal Code.

3. The prosecution case is that on 08.09.2014 at about 21.30 hours the petitioner along with other accused persons trespassed into the dwelling house of the de facto complainant and attacked him. Thereafter, the petitioner caught the de facto complainant's wife by neck and abused her. In that process, she lost her gold chain.

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

5. I have perused the case diary. Learned counsel for the petitioner would contend that the petitioner is innocent of all allegations. According to him, the de facto

complainant owed money to him. He also executed a promissory note in favour of the petitioner. When money was demanded back a false complaint was filed to implicate the petitioner in a crime. The materials in the case diary would show that to unravel the issues involved in the case, custodial interrogation may be necessary. Therefore, I am of the view that the petitioner is not entitled to get anticipatory bail in this matter. However, the petitioner is free to surrender before the court having jurisdiction in this matter within a period of 'two weeks' and move for a regular bail. In that event, the court below shall consider all the materials and pass an order in accordance with law, if possible on the date of surrender itself.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge