

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 5929 of 2015 ()

CRIME NO. 286/2015 OF PADINHARATHARA POLICE STATION , WAYANAD DISTRICT

PETITIONER/ACCUSED:

THOMAS DOMINIC,S/O.DOMINIC, AGED 63 YEARS,
KARIPPAL HOUSE, PUTHUSSERIKKADAVU POST,
KUPPADITHARA VILLAGE, VYTHIRI TALUK,
WAYANAD DISTRICT-670 645.

BY ADVS.SRI.SOORAJ T.ELENJICKAL
SRI.K.NANDAKUMAR
SMT.V.A.HARITHA
SMT.MARY RESHMA GEORGE
SMT.P.M.MAZNA MANSOOR
SRI.P.A.MOHAMMED SHAH

RESPONDENTS/COMPLAINANT:

STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
PADINHARATHARA POLICE STATION, WAYANAD DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

***ADDL.R2 IMPEADED**

***ADDL.R2: SHIBU JOSEPH, S/O. JOSEPH DOMINIC,
AGED 39 YEARS, KARIPPAL HOUSE,
PUTHUSSERIKKADAVU POST, KUPPADITHARA VILLAGE,
VYTHIRI TALUK, WAYANAD DISTRICT-670 645.**

***ADDL.R2 IS IMPEADED VIDE ORDER DATED 14/10/2015 IN
CRL.M.A.NO.9929/2015.**

**R1 BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA
ADDL.R2 BY ADV. SMT.NIMMY JOHNSON**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.5929 of 2015

Dated this the 2nd day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.286 of 2015 of Padinharathara Police station registered for the offences punishable under Secs.447, 324 and 308 of the Indian Penal Code. Prosecution case in short is that, on 31.08.2015 at about 10.30 a.m., there was a dispute between the petitioner and the defacto complainant in respect of cattle trespass into his paddy field. On account of this dispute, the petitioner attacked the defacto complainant with a chopper causing injuries on his hands and legs.

3. Heard the learned counsel for the petitioner, counsel for the defacto complainant and the learned Public Prosecutor.

4. Learned counsel for the defacto complainant submitted that the matter has been settled between the defacto complainant and the accused.

5. Learned Public Prosecutor opposed the bail

application.

6. I have perused the case diary. It shows that some minor incised wounds have been sustained by the defacto complainant in the incident. All the injuries are on both the limbs.

Considering the nature of allegations and the fact that the matter has been settled between the parties, following directions are issued.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioner shall not intimidate or

attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/02/11/2015

P.A. To Judge