

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 7319 of 2015

CRIME NO. 525/2015 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED:

**LAJU, AGED 54 YEARS,
S/O.VINCENT, PADAMATTUMMAL HOUSE, THURUTHIPPURAM P.O.,
PUTHENVELIKKARA VILLAGE, PUTHENVELIKKARA PANCHAYATH,
NORTH PARVUR TALUK, ERNAKULAM DISTRICT,
(WRONGLY SHOWN IN THE FIR AS
RESIDING AT PADAMATTUMMEL HOUSE,
NORTH OF THE BRANCH OF PERIYAR RIVER,
CHATHEDOM KARA, CHENDAMANGALAM VILLAGE,
PARUR TALUK IN THE FIR).**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.THOMAS J.ANAKKALLUNKAL
SMT.M.A.SHEEBA**

RESPONDENT(S)/COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

*** ADDL.R2 IMPEADED**

**2. P.K.RAMESH, ADVOCATE, NORTH PARAVUR,
ADVOCATE COMMISSIONER.
SUO MOTU IMPEADED AS PER ORDER DATED 25/11/2015**

**** ADDL.R3 IMPEADED**

**3. JOSEPH, S/O.CHEEKU, AGED 60 YEARS,
PAYYAPPILLY HOUSE, THURUTHIPPURAM P.O., PIN-680667.
ADDL.R3 IMPEADED AS PER ORDER DATED 1/12/2015 IN CRL.MA.11006/15**

R1 BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

R2 BY ADVS. SRI.S.SREEKUMAR (SR.)

SRI.S.RAJEEV

SRI.K.K.DHEERENDRAKRISHNAN

SRI.V.VINAY

R3BY ADVS. SRI.P.MARTIN JOSE

SRI.P.PRIJITH

SRI.THOMAS P.KURUVILLA

M.N JEEVAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.7319 of 2015

Dated this the 1st day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.525 of 2015 of Puthenvelikkara Police Station registered for offences punishable under Sections 341, 353, 294(b) and 506(i) of I.P.C.

3. Defacto complainant is a Junior lawyer practising in the Courts at North Paravur. He was appointed the Commissioner in O.S No.794/2015. On 17-10-2015 at about 4.30 p.m., he went to the disputed property for local inspection. The disputed property belongs to the accused and his family. When the Advocate Commissioner reached in the property, the accused was not present there. He attempted to give notice of inspection to mother and wife of the accused. They refused to receive notice. Wife of the accused called the accused over mobile phone. He after sometime rushed to the place. It is the allegation that the accused without any provocation showered obscene words to the Advocate Commissioner and he throttled and pushed the Commissioner out of the property. It is also reported by the Commissioner that he challenged the

authority of the court in issuing such a commission. The accused used unparliamentary and derogatory words against the court as well. It is the prosecution case that thereby the accused has committed the aforementioned offences.

4. Heard the learned Senior Counsel for the petitioner, the learned Senior Counsel for the plaintiff in O.S No.794/2015, the learned counsel for the Advocate Commissioner and the learned Public Prosecutor. I have carefully perused the Case Diary.

5. Learned Senior Counsel for the petitioner submitted that there are litigations between the petitioner and the plaintiff in the suit. However, this fact is strongly disputed by the learned Senior Counsel for the plaintiff. The materials in the case diary clearly show that the petitioner has not only challenged the authority of the Commissioner, but he in caustic, defamatory and unparliamentary language questioned the authority of the court. He abused the Presiding Officers of the court and advocates in filthy language. Learned Senior Counsel for the petitioner submitted that the disputed property is situated in Chengamanad Panchayath. The

petitioner contested elections for Grama Panchayath in the neighbouring panchayath viz; Puthenvelikkara. It is submitted that he won the election and now has become the President of Puthenvelikkara Grama Panchayath. It is the submission of the learned Senior Counsel that the defacto complainant and the plaintiff are attempting to tarnish his image. Learned Senior Counsel submitted that the petitioner had met the Advocate Commissioner and the officers of Bar Association, North Paravur and tendered apology on 21-11-2015 for the unwise act. Learned counsel for the Advocate Commissioner submitted that the petitioner did not meet him nor he tendered any apology. Learned Senior Counsel for the plaintiff submitted that he has not even cared to tender apology to the court. The words allegedly used by the petitioner, as borne out from the Commissioner's report and the materials in the case diary, certainly are obnoxious, filthy, repulsive and challenging the dignity and might of the justice delivery system. Such a person is said to be the President of a Grama Panchayath. Further, the case of the Advocate Commissioner that he was throttled and pushed out by

neck cannot be disbelieved as there is no reason for the Advocate Commissioner to falsely implicate the petitioner. Therefore, I am not inclined to grant pre-arrest bail to the petitioner. Hence, following directions are made :

The petitioner shall surrender before the Investigating Officer within three days from today and submit himself for interrogation. The Investigating Officer shall question him thoroughly and produce him before the Court having jurisdiction on the date of surrender. Thereafter, the petitioner is free to move for regular bail before the Court having jurisdiction. In that event, the learned Magistrate shall consider the application on merits untrammelled by the observations. If the petitioner fails to surrender as mentioned above, the investigating officer shall arrest him, as if no order has been passed in this case.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge