

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Bail Appl..No. 9154 of 2014 ()

**CRIME NO. 541/2014 OF THANNITHODU POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONER/ACCUSED:

**JAJI SOMARAJAN, AGED 36 YEARS, S/O.SOMARAJAN,
KARIKUTTICKAL VEEDU, MOORTHIMON,
THEKKUNTHODU, THANNITHODU VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.9154 of 2014

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Dated this the 6th day of January, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.541 of 2014 of the Thannithodu Police Station registered for the offences punishable under Sections 452, 294(b) and 326 A IPC.

3. The defacto complainant woman, aged 36, had to file a complaint against the mother of the petitioner. It is alleged that on account of that enmity, on 01.11.2014 at 12.30 p.m., the petitioner committed house trespass into the house of the defacto complainant with a can containing acid. He proceeded to the kitchen, where the defacto complainant woman was present and after abusing her in filthy language, he poured acid on to the face

and body of the defacto complainant. As the defacto complainant evaded, the acid fell on her neck and back of chest, which has resulted in 8% acid burns all over her body and the same has resulted in disfiguration. The petitioner has been in custody for the period from 03.11.2014 onwards.

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

5. The learned Public Prosecutor has pointed out that the Final Report has been filed in the matter. Considering the seriousness of the allegations against the petitioner, it is a fact that the petitioner is not entitled to be enlarged on bail. The provision under Section 326 A IPC contains the principle of victimology also and that compensation is payable to the victim. No criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in

custody and the present stage of investigation, and the facts and circumstances of the case, I am of the view that he can be enlarged on bail on strict conditions and also by making a provision for compensating the victim.

In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's court and subject to the following terms and conditions.

(i) The petitioner shall deposit an amount of ₹1,00,000/- (Rupees One lakh only) before the court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Tuesdays and Fridays, for six months commencing from 13.01.2015.

(iii) Except for observing condition No.

(ii), as mentioned above, the petitioner shall not enter the local limits of the Thannithodu Police Station for a period of six months.

(iv) The petitioner shall not tamper with the evidence or influence witnesses.

(v) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(vi) Petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above, will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/6/1/15

//True Copy//

P.A.to Judge