

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH**

**MONDAY, THE 20TH DAY OF JANUARY 2014/30TH POUSHA, 1935**

**Bail Appl..No. 308 of 2014 ()**

**CRIME NO. 2682/2013 OF OLLUR POLICE STATION, THRISSUR DISTRICT  
CONNECTED CRIME NO. 2683/2013 OF OLLUR POLICE STATION, THRISSUR**

**PETITIONER/ACCUSED :**

**SIJO JOY @ DHARMAN, AGED 24 YEARS  
S/O.JOY, PARAMBITHARA HOUSE, ANJERI PO  
OLLUR , THRISSUR.**

**BY ADVS.SRI.SHAIJAN C.GEORGE  
SRI.M.TAJITH  
SMT.S.REKHA KUMARI  
SMT.SAJITHA GEORGE**

**RESPONDENT/COMPLAINANT :**

- 1. STATE OF KERALA  
REPD. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA  
ERNAKULAM - 682 031**
- 2. SUB INSPECTOR OF POLICE  
OLLUR POLICE STATION, THRISSUR 680 001.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-01-2014,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**THOMAS P. JOSEPH, J.**

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**Bail Application No. 308 of 2014**

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**Dated this the 20<sup>th</sup> day of January, 2014**

**ORDER**

Petitioner is accused in Crime No.2682 of 2013 of the Ollur police station for the offence punishable under Sec.308 of the Penal Code.

2. Application is opposed by the learned Public Prosecutor. It is submitted that on 23.12.2013, the petitioner blocked the vehicle in which the de facto complainant and his brother travelled, when they came out, attacked them with a knife and aimed it at the neck of the de facto complainant in an attempt to cause his death. The knife is recovered.

3. Learned counsel submits that about 7 years back the petitioner gave information to the authorities about certain illegal activities of the de facto complainant and his brother. On the date of occurrence while the petitioner was engaged in fish vending, the de facto complainant and

others came in a vehicle and attacked the petitioner. The petitioner had to counter the attack in self-defence. The police have registered Crime No. 2683 of 2013 against the de facto complainant and others under Secs. 341, 324 and 308 r/w. Sec.34 of the Penal Code.

4. Having regard to the nature of allegations, counter allegations and as the weapon is recovered, I am inclined to grant relief but subject to conditions.

Application is allowed as under:

- 1) Petitioner shall surrender before the officer investigating Crime No.2682 of 2013 of the Ollur police station on 27.01.2014 at 10:00 a.m. for interrogation.
- 2) In case interrogation is not completed that day, the said officer can direct the petitioner to appear before him on any other date/dates and time which he shall comply.
- 3) Petitioner shall co-operate with the investigation of the case.
- 3) In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day.
- 4) On such production, the petitioner shall be released if not required to be detained otherwise on his executing bond for Rs.20,000/- (Rupees Twenty thousand only) with two sureties for the like sum each to the

satisfaction of the learned magistrate and subject to the following conditions:-

- a) One of the sureties shall be a close relative of the petitioner.
- b) Petitioner shall report to the investigating officer on every Saturday between 10:00 a.m. and 12:00 p.m. for a period of two months or until filing of the final report, whichever is earlier.
- c) Petitioner shall report to the investigating officer as and when required for interrogation.
- d) Petitioner shall not intimidate/influence the witnesses.
- e) Petitioner shall not, during the period of this bail get involved in any offence.
- f) In case any of the above conditions is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (until committal if any and thereafter before the learned Principal Sessions Judge concerned) as held in **P.K. Shaji V. State of Kerala (AIR 2006 Supreme Court 100)**.

Sd/-  
**THOMAS P.JOSEPH, JUDGE**

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P.A. to Judge

Smv