

**Joy Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Feb-18-2014

**Judge :** Honourable Mr.Justice M.L.Joseph Francis

**Appellant :** Joy

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS TUESDAY, THE 18TH DAY OF FEBRUARY 2014 29TH MAGHA, 1935 Bail Appl.No. 1034 of 2014 () ----- Bail Appl. 3913/2013 of HIGH COURT OF KERALA CRL.MC9682013 of II ADDL.SESIONS COURT,ERNAKULAM CRIME NO. 299/2013 OF PUTHENCROZ POLICE STATION , ERNAKULAM APPLICANT/ACCUSED: ----- JOY, AGED 53 YEARS S/O.AVARACHAN, VAYKKARA HOUSE, KUNNACKAL.P.O ERNAKULAM DISTRICT. BY ADVS.SRI.P.VIJAYA BHANU (SR.) SRI.VIPIN NARAYAN SRI.THOMAS J.ANAKKALLUNKAL RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031. R BY PUBLIC PROSECUTOR, SMT SEENA RAMAKRISHNAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-02-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., ----- Bail Application No.1034 of

2014 - - - - - Dated this the 18th day of February  
2014

## ORDER

The applicant herein is the first accused in Crime No.299 of 2013 of Puthencruz Police Station, Ernakulam District. The offences imputed alleging against the applicant are punishable under Sections 143, 144, 147, 323, 324, 308, 506(2) and 188 read with Section 149 of the Indian Penal Code.

2. The prosecution case is that on 4.5.2013 at about 9 p.m. as a sequel of the dispute between Orthodox and Jacobite factions, a dispute arose between two groups in relation to the construction of the Catholic Centre at Kadamattom and holding of mass there. As part of such a dispute, the de-facto B. A. 1034 of 2014 :2: complainant and his fellowmen were threatened by the applicant and other known persons, who formed themselves into an unlawful assembly possessed with deadly weapons at the ground near St.George Church, Kadamattom. The applicant beat de-facto complainant using an iron rod at his head causing injuries and others manhandled the de-facto complainant and his fellowmen resulting bodily injuries to them.

2. The learned Public Prosecutor opposes the bail application. The learned counsel for the petitioner submitted that a counter case has been registered against the de-facto complainant and others as Crime No.300 of 2013 with identical offences. Considering the facts and circumstances of the case, I am of the view that the arrest and detention of the petitioner is not required for the purpose of the investigation. Hence this bail application is allowed. B. A. 1034 of 2014 :3: It is hereby directed that in the event of arrest of the petitioner in connection with the above case, he shall be released on bail on executing a bond for `25,000/- with two sureties each for the like sum to the satisfaction of the officer effecting arrest. The petitioner is directed to appear before the Investigating Officer as and when required. It is made clear that if the petitioner surrenders before the Judicial First Class Magistrate having jurisdiction, within 30 days from today, the petitioner shall be released on bail on executing a bond for `25,000/- with two sureties each for the like sum to the satisfaction of the Judicial First Class

Magistrate. In that case also, the petitioner is directed to appear before the Investigating Officer as and when required. Sd/- M. L. JOSEPH FRANCIS, (JUDGE) d// // TRUE COPY //

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