

Joseph Augusty vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-18-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./1947/2024

Appellant : Joseph Augusty

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS MONDAY, THE 18TH DAY OF MARCH 2024 / 28TH PHALGUNA, 1945 BAIL APPL. NO. 1947 OF 2024 CRIME NO.0/2023 OF ANGAMALI POLICE STATION, ERNAKULAM PETITIONER/ACCUSED: JOSEPH AUGUSTY AGED 46 YEARS S/O. AUGUSTHY, VALAVANATTU HOUSE KURYANADU P.O KURAVILINGAD, KOTTAYAM DISTRICT.-, PIN - 686633 BY ADVS. RESHMA E. ANNA SONIE ATHIRA V.M. RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 2 STATION HOUSE OFFICER ANGAMALY POLICE STATION, (CRIME NO. NOT KNOWN

OF 2023 OF ANGAMALY POLICE STATION, ERNAKULAM), PIN - 683572 SR.P.P. SMT. NEEMA T.V. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The application is filed under Section 438 of the Code of Criminal Procedure, 1973, for an order of pre-arrest bail.

2. The petitioner apprehends arrest by the Angamali Police Station, Ernakulam, in an unknown crime, for allegedly committing the offences punishable under Sections 406 & 420 r/w. S.34 of the Indian Penal Code.

3. Heard; Smt. Reshma E., the learned counsel appearing for the petitioner and Smt. Neema T.V., the learned Public Prosecutor appearing for the respondents.

4. The learned Public Prosecutor, on instructions, submitted that the petitioner is the first accused in crime No.259/2023 of the Angamali Police Station. The said submission is recorded.

5. On a reading of the bail application, none of the

details pertaining to the incident, crime number or the offences have been mentioned. The bail application is vague and lacks the requisite details, particularly the accusation levelled against the petitioner. Therefore, in view of the conspicuous absence of the elementary details, I hold that the application is not sustainable, and the petitioner is directed to file a fresh application after incorporating all the requisite details. In the result, the bail application is dismissed, without prejudice to the right of the petitioner to file a fresh bail application after incorporating his rank, crime number, the offences and also the specific accusation levelled against him. Sd/- C.S.DIAS JUDGE shg