

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 14<sup>TH</sup> DAY OF JULY 2023 / 23RD ASHADHA, 1945

BAIL APPL. NO. 5568 OF 2023

CRIME NO.777/2023 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED:

JAYAPRAKASH  
AGED 55 YEARS  
S/O. PADMANABHAN NAIR, AMRUTHASAGAR VEEDU,  
KAKKATTUPARA, THENJIPPALAM VILLAGE,  
MALAPPURAM DISTRICT, PIN - 673635

BY ADVS.  
K.M.FIROZ  
M.SHAJNA  
E.C.AHAMED FAZIL  
P.C.MUHAMMED NOUSHIQ

RESPONDENTS/STATE:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER, THIRUVALLA  
THIRUVALLA POLICE STATION,  
PATHANAMTHITTA DISTRICT, PIN - 689101

BY ADV  
ADV. FIROZ K.M.  
ADV.SEETHA S.- SR.PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
14.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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ORDER

The petitioner is the accused in Crime No.777/2023 of Thiruvalla Police Station, Pathanamthitta which was registered for the offences punishable under Sections 353, 294(b), 506(II) of IPC and also under Section 3 (1) of Prevention of Damage to Public Property Act

2. The prosecution case is that, the petitioner who was the respondent in M.C. No.10/2023 pending before the Family Court, Thiruvalla, due to enmity with the Presiding Officer and the staff of the court obstructed the discharge of their official duty on 21.06.2023 at 16.30 hours, and had broken the glasses of the car used by Judge of the Family Court, by using an iron rod and also threatened the Judge and other staff of the Family Court. The crime was registered in such circumstances and as part of the investigation, the petitioner was arrested on 22.6.2023. Since then, he has been in judicial custody. This application for regular bail is submitted in such circumstances.

3. Heard Sri.K.M.Firoz, learned counsel for the petitioner

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and Smt.Seetha S., learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. It is also pointed out that the offence under the provisions of Prevention of Damage to Public Property Act, would not be attracted, as the car which was being used by the Judge of the Family Court was not public property as it was not a car owned by the Government. It was being used for the purposes of the Judge after taking it on rent. Besides the same, the learned counsel also raises a contention that the offence under Section 353 also would not be attracted, as none of the public servants were assaulted or injured by the petitioner.

5. On the other hand, the learned Public Prosecutor opposes the said application by pointing out that there are specific allegations and materials against the petitioner. Besides the same, consequent to the act committed by the petitioner, a loss of Rs.70,000/- (Rupees seventy thousand only) has occurred. The matter is under investigation.

6. I have gone through the records. It is true that there are

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certain allegations against the petitioner, but the fact remains that the petitioner has been in custody since 22.06.2023. Even though the learned counsel for the petitioner contends that the offence under the provisions of the Prevention of Damage to Public Property Act would not be attracted, as the case is at the stage of investigation, I do not intend to enter into any finding in respect of the same. With regard to the contentions raised by the learned counsel for the petitioner with respect to the offence under Section 353 also, I am taking the very same view.

7. However, considering the period of detention the petitioner had undergone and other relevant circumstances including the fact that the petitioner does not have any criminal antecedents, I do not find any necessity of further incarceration of the petitioner. Therefore, I am inclined to grant bail to the petitioner subject to the condition that the petitioner shall deposit an amount of Rs.35,000/- (Rupees thirty five thousand only) before the jurisdictional court.

Accordingly, this application is allowed and the petitioner is

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directed to be released on bail on the following conditions:

i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

ii) The petitioner shall deposit an amount of Rs.35,000/- (Rupees thirty five thousand only) before the jurisdictional court.

iii) The petitioner shall fully cooperate with the investigation.

iv) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m on every Wednesday until the filing of final report.

v) The petitioner shall appear before the Investigating Officer as and when required.

vi) The petitioner shall not commit any offence of similar nature while on bail.

vii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person,

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or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

viii) The petitioner shall not leave India without the permission of the jurisdictional court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law.

Sd/-  
ZIYAD RAHMAN A.A.  
JUDGE

SCS

