

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937**

**Bail Appl..No. 823 of 2015 ()**

**CRIME NO. 87/2015 OF NEDUMKANDAM POLICE STATION, IDUKKI DISTRICT.**

**....**

**PETITIONERS/1ST AND 2ND ACCUSED:**

- 1. ANEESH, S/O.JOSEPH, AGED 29 YEARS,  
VENNALIL HOUSE, MANJAPPARA POST,  
IDUKKI DISTRICT, PIN - 685 553.**
- 2. RENISH, S/O.KUNJACHAN,  
AGED 31 YEARS, ILLIKKAPARAMBIL HOUSE,  
MANJAPPARA POST, IDUKKI DISTRICT, PIN - 685 553.**

**BY ADVS.SRI.P.K.RAVISANKAR,  
SRI.M.K.THANKAPPAN.**

**RESPONDENT(S):**

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

**BY PUBLIC PROSECUTOR SMT.REMA. R.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**K. ABRAHAM MATHEW, J.**

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**B.A.No. 823 of 2015**

.....

Dated this the 5<sup>th</sup> day of June, 2015

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 87 of 205 of Nedumkandam Police Station registered for the offences under sections 323,341, 325 and 506(i) of IPC and 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that the petitioners assaulted the victim causing him serious injuries. Further, they called him his caste name, he being a member of a scheduled caste.

3. Heard.

4. Learned counsel submits that the FI statement does not disclose that it was with intend to humiliate the victim, the petitioner allegedly called him his caste name. The intention is to be gathered from the circumstances of the case. It is a matter to be determined during the investigation and at the trial. But, in this case prosecution has no case that the first petitioner called the victim his caste name. So, the bar under section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989 does not apply to the case of the first petitioner. No weapon was used in this case. In these circumstances, I am inclined to grant anticipatory bail to the first petitioner.

In the result, this application is allowed in part. The first petitioner shall be released on anticipatory bail after interrogation on his executing a bond for Rs.25,000/-(Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall not destroy or tamper with evidence.

3) He shall appear before the Investigating Officer between 10 a.m. to 11a.m. on every Wednesday for four months or till the final report is filed, whichever is earlier.

4) He shall not get himself involved in any other criminal case which he is on bail.

5) He shall not intimidate or attempt to influence the witnesses.

6) He shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance

with the law. The application is dismissed so far as the second petitioner is concerned. Learned counsel submits that the second petitioner will surrender before the Investigating Officer, he may do so if he is so advised.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

DST

//True Copy//

P.A. To Judge