

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Bail Appl..No. 1199 of 2015 ()

CRIME NO.5/2014 OF SPECIAL MOBILE SQUAD, KASARAGOD DISTRICT

PETITIONER/ACCUSED:

**K.NARAYANAN, AGED 52 YEARS,
S/O.KANNAN, NEAR KARAKKAKKAVU TEMPLE,
NOW RESIDING AT AMBADI QUARTERS, POLLA,
CHERUVATHUR VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 015.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.5/2014 OF SPECIAL MOBILE SQUAD,
KASARAGOD DISTRICT- 671 315.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.1199 of 2015

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Dated this the 6th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioner is the accused in Crime No.5 of 2014 of the Special Mobile Squad Police Station, Kasaragod District, registered for the offences punishable under Section 427 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that he has destroyed the board affixed in front of the shop of the defacto complainant woman belongs to a Scheduled Caste, thereby committing mischief, causing a wrongful loss of Rs.1,300/- to the defacto complainant, and he has humiliated her by calling her caste name in public view. The petitioner has been in custody for the period from

13.02.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor has pointed out that the petitioner is involved in three other cases. At the same time, it seems that the petitioner has been in custody for the period from 13.02.2015. The investigation of this case is over and Final Report has been filed in the matter. Having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner can be enlarged on bail, by making a provision to compensate the loss sustained to the defacto complainant.

In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) Petitioner shall deposit an amount of Rs.1,300/- (Rupees one thousand three hundred only).

(ii) Petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.03.2015 for a period of six months.

(iii) Petitioner shall not tamper with the evidence or influence witnesses.

(iv) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(v) Petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/6/3/15

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P.A. To Judge