

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 2431 of 2015

CRIME NO. 57/2015 OF MEPPADI POLICE STATION , WAYANAD

PETITIONERS/ACCUSED 2 , 3 & 4:

1. MUHAMMED M T, AGED 36 YEARS, S/O.MOIDEEN,
COOLIE WORKERS, THANDEKOTTIL HOUSE, P O KADALMADU
SULTHAN BATHERY TALUK, WAYANAD DISTRICT.
2. SALIM M T, AGED 32 YEARS,
COOLE WORKERS, THANDEKOTTIL HOUSE, P O KADALMADU
SULTHAN BAVHERY TALUK, WAYANAD DISTRICT.
3. UMMER T, AGED 34 YEARS,
S/O.MOIDEEN, COOLIE WORKERS, THANDEKOTTIL HOUSE,
P O KADALMADU, SULTHAN BAVHERY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.S.M.PRASANTH

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No. 2431 of 2015

Dated this the 17th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 149, 323, 324, 354A, 454, 511 of 376 of IPC and Sections 3(1)(x), 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that they along with the co-accused formed themselves into an unlawful assembly, assaulted the victim girl who belongs to a scheduled caste, outraged her modesty and attempted to commit rape on her and called her caste name.

3. Heard.

4. There are total 10 accused in the case. The incident allegedly happened at 11.00 in the night. I have perused the case diary, it appears that at best it was an assault case. There is every reason to doubt the correctness of the version given by the prosecution. The person who allegedly called the victim her caste name is the first accused, who is not a petitioner. There is no bar in granting anticipatory bail to the petitioners. In the totality of the circumstances, I am inclined to grant anticipatory bail to them.

In the result, this application is allowed.

- 1) The Petitioners will be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.
- 2) They shall appear before the Investigating Officer between 10 a.m. to 11a.m. on every alternate Friday for three months or till the final report is filed, whichever is earlier.
- 3) They shall not intimidate or attempt to influence the witnesses.
- 4) They shall not destroy or tamper with evidence.
- 5) They shall not harass the de facto complainant or her relatives.
- 6) They shall not attempt to contact or communicate with the victim.

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

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge