

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Bail Appl..No.2719 of 2015

CRIME NO.785/2014 OF PARASSALA POLICE STATION,THIRUVANANDAPURAM.

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PETITIONER'S/ACCUSED(A2 & A3):

1. **RATHEESH,AGED 31 YEARS,S/O.AYYAPPAN ACHARI,
PANAVILA PUTHUVAL PUTHENVEEDU,
CHENKAL DESOM,CHENKAL VILLAGE,VATTAVILA P.O.**
2. **SHIBU,AGED 33 YEARS,S/O.SUNDARAN,
KANDAMANGALAM PUTHENVEEDU,
CHENKAL DESOM,CHENKAL VILLAGE,VATTAVILA P.O.**

BY ADV.SRI.R.T.PRADEEP

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K. ABRAHAM MATHEW, J.

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B.A. No. 2719 of 2015

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Dated this the 4th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under sections 362, 365, 323, 324, 34 of IPC and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel submits that the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not applicable. He relies on the decision of this Court, in CrI. M.C. No. 478 of 2015 in which there is a finding that the provisions of the Act is not applicable to the facts.

3. Heard.

4. The prosecution case is that it was the first accused who called the informant his caste name. There is no allegation that any of the petitioners called the victim his caste name. So, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not applicable to them. The other offences alleged against them are minor in nature. So, I am inclined to grant them bail.

In the result, this application is allowed.

1) The petitioners shall be released on bail after

interrogation on their executing a bond for Rs.25,000/-(Rupees Twenty five thousand only) each with 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 for interrogation if they are so required by him in writing.

3) They shall not destroy or tamper with evidence.

4) They 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.

5) They shall not get themselves involved in any other criminal case which they are on bail.

6) They shall not intimidate or attempt to influence the witnesses.

7) They 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.

DST

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True Copy//

P.A. To Judge