

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 2830 of 2015

**CRIME NO. 341/2015 OF VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
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PETITIONER(S)/ACCUSED 1, 2:

1. D.SUNIL, AGED 43 YEARS, S/O.DIVAKARAN,
KAATTUVILAKATHU VEEDUM MUROORKKONAM,
NELLANAD P O, VENJARAMOODU, NEDUMANGAD,
THIRUVANANTHAPURAM.
2. ABILASH, AGED 33 YEARS, S/O.RAGHAVAN,
KALABHAVAN, AMBALAMMUKKU, NELLANADU P.O,
NEDUMANGAD, THIRUVANANTHAPURAM.

**BY ADVS.SRI.THOMAS ABRAHAM
SRI.ASWIN.P.JOHN**

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. SUB INSPECTOR OF POLICE,
VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.
3. SMT.SUMA, AGED 39 YEARS, D/O.GOMATHY,
VATTAVILA VEEDU, KEEZHAYIKKONAM,
NELLANAD P O, VENJARAMOODU,
THIRUVANANTHAPURAM.

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 2830 of 2015

Dated this the 29th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 3(1)(iv), 3(1)(v), 3(1)(xv), 2(vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 34 and 420 of the Indian Penal Code, 1860. The prosecution case is that the victim who belongs to a scheduled caste was a beneficiary under the 'Mannum Veedum Project'. But the petitioners who were members of the Panchayat cheated her. It is also alleged that the first petitioner called her caste name.

3. Heard.

4. Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 creates a bar for granting an order under Section 438 Cr.P.C. But there is no allegation that the second petitioner called the victim her caste name. The other facts of the case do not compel me to reject the prayer of the second petitioner.

In the result, this application is allowed in part.

- 1)The second petitioner shall be released on bail 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 surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 3)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 4)He shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Wednesdays for three months or till the final report is filed, whichever is earlier.*
- 5)He shall not intimidate or attempt to influence the witnesses.*
- 6)He shall not destroy or tamper with evidence.*
- 7)He shall not get himself involved in any other criminal case while he is on bail.*

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

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 first petitioner is concerned. It is made clear that rejection of his prayer alone need not be a ground for the Magistrate of grant bail on merits of the case.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge