

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.2927 of 2015

CRIME NO.17/2015 OF SPECIAL MOBILE SQUAD POLICE STATION,KASARAGOD.

PETITIONER/ACCUSED:

**ASIF ALI C.M,AGED 25 YEARS,S/O.MOHAMMED A.G,
KANDAL CHOYIMOOLA,BADOOR POST,
KUMBALA,KASARAGOD DISTRICT.**

BY ADV.SRI.S.JIJI

RESPONDENT/STATE:

**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.2927 of 2015

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Dated this the 4th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under sections 294(b), 506(i) of IPC and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that the first informant belongs to a scheduled caste and the petitioner called him his caste name, in order to humiliate him.

3. Heard.

4. The name of the caste of the first informant is 'Mogar'. But he was allegedly called 'Adiyan'. The First Information Statement discloses that in that particular locality, members of scheduled castes are called 'Adiyan'. Having regard to the facts of the case, it is appropriate that a direction is issued to the Magistrate to take into consideration this aspect, if the petitioner happens to be arrested and a bail application is filed by him.

In the result, this application is disposed of with a direction to the learned Magistrate to consider the bail application that may

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be filed by the petitioner, if he happens to be arrested.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

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P.A. To Judge