IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Bail Appl..No. 3318 of 2015

CRIME NO. 449/2015 OF ALAKODE POLICE STATION , KANNUR

PETITIONER(S):

1. **PRABHAKARAN, AGED 47 YEARS,**
   S/O.SIVAN PILLAI, PURAKKATTU HOUSE,
   UDAYAGIRI PANCHAYAT, THALIPARAMBA TALUK,
   KANNUR DISTRICT.

2. **RAJESH,**
   AGED 37 YEARS, S/O.RAJAN, MUTHUVANKARAN HOUSE,
   'CHEEKADD-68, COLONY, UDAYAGIRI PANCHAYAT,
   THALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.RAJIT

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

K. ABRAHAM MATHEW, J.

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B.A.No.3318 of 2015

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Dated this the 23rd day of June, 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 447, 323, 294(b), 506(1) read with Section 34 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 trespassed into the victim's property, uttered obscene words, assaulted and threatened her and called her caste name, she being a member of a scheduled tribe.

3. Heard.

4. The fact that the second petitioner also belongs to a scheduled tribe is now not disputed. There is an allegation against the first petitioner that he called the victim her caste name. Learned counsel submits that the first petitioner only assisted the Tahasildar who came to the locality to measure the properties over which the first informant claims right and on account of that she had enmity towards him and that is the reason why she has

given a false information to the police. This is a matter to be considered by the learned Magistrate in an application under Section 437 Cr.P.C. The law is now well settled that the Magistrate is empowered to grant bail under Section 437 Cr.P.C. on merits.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge