

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYASHTA, 1937

Bail Appl..No. 3331 of 2015 ()

CRIME NO. 668/2015 OF KUNNICODU POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**ABDUL SAMAD,
S/O.KOYAKUTTY, AGED 48 YEARS
CHARUVILA PUTHENVEEDU, MELILE WEST
MELILE P O, MELILE VILLAGE, KOTTARAKKARA TALUK
KOLLAM DISTRICT.**

BY ADV. SRI.ABDUL JALEEL A.

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE
KUNNICODU POLICE STATION, KOLLAM DISTRICT- 690 001.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.3331 of 2015

Dated this the 16th 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) and 506 (i) of Indian Penal Code and Section 3(1) (x) of the SC/ST Act.

3. The prosecution case is that he uttered obscene words, threatened the first informant and called him his caste name, he being a member of the pulaya community.

4. Heard.

5. The First Information Statement discloses the commission of the offences alleged against the petitioner. This court is prevented from invoking the jurisdiction under Section 438 Cr.P.C. But taking into account the nature of the allegations there is no prohibition for the learned Magistrate to grant bail to the petitioner if he files an application under Section 437 Cr.P.C.

In the result, this application is dismissed with the above observation.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge