

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. 4414 of 2015

CRIME NO. 878/2015 OF PUDUKKAD POLICE STATION.
.....

PETITIONER(S)/ACCUSED PERSONS:

1. SHIJU A.R., AGED 41, S/O. RAPPAL,
AMBAZHAKKADAN HOUSE,
P.O.CHENGALLOOR. KANNAMBATHOOR,
MUKUNDAPURAM THRISSUR DISTRICT.
2. SANAL JOSE, AGED 29, S/O. JOSE,
PAYYAPPILLY HOUSE, CHENGALLOOR P.O.,
KANNAMBATHOOR, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.
3. SREEJITH, AGED 26 YEARS, S/O. CHANDRAN,
KALLINGAL HOUSE, CHENGALLOOR P.O.,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
PUDUKKAD POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.**

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.

B.A. No.4414 of 2015

Dated this the 29th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.878 of 2015 of Pudukkad Police station registered for the offences under Secs.143, 147, 148, 341, 324, 448 and 506 (ii) of the Indian Penal Code and Sec.3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The prosecution case is that they trespassed into the property of the victim, wrongfully restrained and threatened him, assaulted him and called him, who belongs to a scheduled caste, his caste name.

3. Heard both sides.

4. The First Information Statement disclosed that the petitioners called the victim his caste name. It is not specifically mentioned which of the accused committed the offence. The allegation is too general. But at this stage, I cannot enter a finding that the offence is not made out.

5. Learned counsel submits that in the morning on the same day, the victim attempted to molest the 12 year old daughter of the 1st petitioner and on the basis of the information given by the 1st petitioner, the Police registered a case against the victim as Crime No.877 of 2015 of Puthukkad Police station and this is sufficient to show that the allegations in this case are false.

6. This is a matter the learned Magistrate can take into account if the petitioners happen to file an application under Sec.437 Cr.P.C. There is no legal impediment for the Magistrate to grant bail on merits.

With the above observations, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge