

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Bail Appl..No. 4830 of 2015 ()

CRIME NO. 266/2015 OF KUTTAMPUZHA POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONER/8TH ACCUSED:

**AKHIL, AGED 23 YEARS,
S/O. SHAJI, KOTTEPARAMBIL HOUSE,
MAMALAKANDAMKARA, KUTTAMPUZHA VILLAGE,
KOTHAMANGALAM, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM),
SRI.PRASANTH M.P.**

RESPONDENTS/COMPLAINANT & STATE:

- 1. THE SUB INSPECTOR OF POLICE,
KUTTAMPUZHA POLICE STATION, KUTTAMPUZHA,
ERNAKULAM DISTRICT - 686 691.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.4830 of 2015

Dated this the 17th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.266 of 2015 of Kuttampuzha Police station registered for the offences under Secs.323, 324 and 506 of the Indian Penal Code and Sec.3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The prosecution case is that he threatened the victim, who belongs to a scheduled caste, assaulted him and called his caste name.

3. Heard both sides.

4. Learned counsel submits that the First Information Statement does not disclose commission of the offence under Sec.3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. I have gone through the First Information Statement. The petitioner did not call the victim his caste name. There was no intention to insult him nor was there

any intimidation with intent to humiliate the victim. So I am inclined to grant the prayer of the petitioner.

In the result the bail application is allowed.

- 1) The 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) The petitioner shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every alternate Wednesdays for three months or till the final report is filed, whichever is earlier.
- 3) The petitioner shall surrender his passport before the lower court concerned or if he does not have one, file an affidavit to that effect.
- 4) He shall not leave India without the previous permission of the court of enquiry

or trial court as the case may be.

5) He shall not intimidate or attempt to influence the witnesses.

6) He shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

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

Sd/-

K. ABRAHAM MATHEW
JUDGE

/True copy /

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P.A. To Judge