

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937HH

Bail Appl..No. 5155 of 2015

CRIME NO. 756/2015 OF CHERPULASSERY POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER(S)/ACCUSED NO.1 & 2:

1. SHAJI, AGED 33 YEARS,
S/O.KUMARAN, PALAKKAVIL,
ADAKKAPPUTHUR POST,
OTTAPPALAM TALUK, PALAKKAD.
2. SAJEESH, AGED 31 YEARS,
S/O.KUMARAN, PALAKKAVIL,
ADAKKAPPUTHUR POST,
OTTAPPALAM TALUK, PALAKKAD.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/& STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682031 (CRIME NO.756/2015
OF CHERPULASSERY POLICE STATION,
PALAKKAD DISTRICT)
2. STATION HOUSE OFFICER,
CHERPULASSERY POLICE STATION,
PALAKKAD DISTRICT - 679503 (CRIME NO.756/2015
OF CHERPULASSERY POLICE STATION,
PALAKKAD DISTRICT)

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.5155 of 2015

Dated this the 11th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No. 756 of 2015 of Cherpulassery Police Station registered for offences punishable under Section 323 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 29.07.2015 at about 9.10 p.m., the defacto complainant refused to give lift to accused 1 and 2 on his motor bike and on that reason, they assaulted the defacto complainant and called out the caste name of the defacto complainant, who is a member of the Scheduled Caste community. Accused persons are not members of the Scheduled Caste community.

5. Learned counsel for the petitioners submitted that even going by the averments in the first information statement, no offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is made out. That is the only non-bailable offence.

6. Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioners. They shall surrender before the Investigating Officer within two weeks from today and submit himself for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application on the date of its filing following the principles in **Shanu v. State of Kerala (2000 (3) KLT 452)**.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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