

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl.No. 5191 of 2015

CRIME NO. 889/2015 OF PERINTHALMANNA POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**SHOUKATH, AGED 42 YEARS,
S/O MOIDU, KIZHISSERYPARAMBIL HOUSE, ERAVIMANGALAM P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT:

- 1. SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT - 676 505.**
- 2. STATE OF KERALA,
RESPONDENT 1 AND 2 REPRESENTED BY
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, COCHIN-682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

msv/

A.HARIPRASAD, J.

B.A.No.5191 of 2015

Dated this the 9th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.889 of 2015 of Perinthalmanna Police Station registered for the offences punishable under Sections 323, 324, 294(b), 448 and 326 of the Indian Penal Code and Sections 3(1)(x) and 3(2)(v) of SC/ST Act.

3. Prosecution case is that on 6.7.2015 at about 09.30 p.m., the petitioner irated by a comment passed the *de facto* complainant that his compound wall is similar to the wall of a jail, he attacked the *de facto* complainant by a reaper and hands. That part, he abused the *de facto* complainant and his daughter by calling caste name as they are members of the SC community.

4. Heard the learned counsel for the petitioner, and learned Public Prosecutor.

5. Learned counsel for the petitioner submitted

that the petitioner has not committed any offence as alleged. According to him, there was an altercation in connection with an earlier incident wherein the petitioner's son was attacked by the *de facto* complainant. In the push and pull the *de facto* complainant must have sustained injuries.

6. Considering the nature of allegations and the materials in the case diary, I am of the view that the petitioner is not entitled to get anticipatory bail.

If the petitioner surrender before the Investigating Officer within a period of 'two weeks' from today, the Investigating Officer shall, after preliminary interrogation, produce him before the learned magistrate having jurisdiction. If he moves an application for regular bail before the Court below, it shall consider the matter on merit and dispose of the application as expeditiously as possible.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge