

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5343 of 2015 ()

CRIME NO. 174/2015 OF PEERMADE POLICE STATION , IDUKKI DISTRICT

PETITIONER/ACCUSED:

**ALEX VARGHESE CHOORAPPADY, AGED 48 YEARS,
S/O.K.C.VARGHESE, PAMPANAR P.O, PEERMADE,
IDUKKI DISTRICT.**

BY ADV. SRI.JOSY ANTONY

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. AZHAKESHAN,
AGED 52 YEARS, S/O.MAYAN, ARJUN BHAVAN HOUSE,
KARADIKUZHAY P.O, PEERMADE, IDUKKI DISTRICT -685 531.**

R1 BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A No.5343 of 2015

Dated this the 8th day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the accused in crime No.174/2015 of Peermade Police Station registered for offence punishable under Section 3(i)(X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Prosecution case, in short, is that on 25-05-2015 at about 11.00 a.m., the accused being a member of Christian community intentionally insulted the defacto complainant, who is a member of Scheduled Caste by calling his caste name in the presence of public. Hence, the petitioner has committed the aforementioned offence.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the materials.

5. Petitioner surrendered before the court on 25-08-2015. Since then he is in judicial custody. Considering the nature of allegations and the duration of custody, I find that bail can be

granted to the petitioner with following conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on alternate Sundays starting from 13-09-2015 between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge