

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5382 of 2015

CRIME NO. 1356/2015 OF KUNNAMKULAM POLICE STATION, TRISSUR DISTRICT.
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PETITIONER/2ND ACCUSED:

**SHAHID, AGED 24 YEARS,
S/O.ASHRAFF, KOZHINGALAVALLAPPIL HOUSE,
KARIKLAD P.O, PERIMPLAVU,
THALAPPILLY TALUK-680 519.**

BY ADV. SRI.RAJIT

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5382 of 2015

Dated this the 15th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1356/2014 of Kunnamkulam Police Station registered for offences punishable under Sections 143, 147, 323, 341 and 506 (1) r/w Section 149 I.P.C and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

4. Learned Public Prosecutor opposed the bail application contending that this Court refused to grant pre-arrest bail to the petitioner, considering that he is involved in an offence punishable under the Scheduled Castes and Scheduled Tribes Act. Learned counsel for the petitioner submitted that in fact there is no allegation by the prosecution that the petitioner

called out the caste name of the defacto complainant. Learned Public Prosecutor submitted based on the records produced that there is no change of version in the prosecution case and the report submitted by the Deputy Superintendent of Police on 11-09-2015 shows that the petitioner is the person, who committed the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Considering the nature of allegations, the bail application is dismissed.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge