

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 5448 of 2015

CRIME NO.438/2015 OF ANTHIKKAD POLICE STATION , THRISSUR DISTRICT

PETITIONER(S)/ACCUSED 2 AND 3 :

- 1. PRAJU, AGED 34 YEARS,
S/O.PRABAKARAN, MULAMTHARA HOUSE, THANNIYAM DESOM,
PERINGOTTUKARA P.O., THRISSUR DISTRICT.**
- 2. PRABHU, AGED 28 YEARS,
S/O.PRABAKARAN, MULAMTHARA HOUSE, THANNIYAM DESOM,
PERINGOTTUKARA P.O., THRISSUR DISTRICT.**

**BY ADVS.SRI.M.H.HANIL KUMAR
SRI.M.R.DHANIL
SRI.A.P.VASAVAN**

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. SUB INSPECTOR OF POLICE, ANTHIKKAD POLICE STATION,
ANTHIKKAD POLICE STATION, ANTHIKKAD P.O., THRISSUR DISTRICT.**
- 2. DY.SUPERINTENDENT OF POLICE,
IRINJALAKUDA, IRINJALAKUDA P.O., THRISSUR DISTRICT.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

RAJA VIJAYARAGHAVAN.V. J

B.A.5448 of 2015

Dated 16th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioners are accused Nos.2 and 3 in crime No.438 of the 2015 of Anthikkad police station. The said crime has been registered alleging offence punishable u/s 452, 341, 324, 354, 294(b), 506(1) r/w S.34 IPC and u/s 3(1)(X) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989.
- 3.The prosecution allegation is that on 27.4.2015, at about 6 pm, petitioners along with the 1st accused had trespassed into the house of the de-facto complainant and called his caste name and outraged the modesty of his wife by pushing her down.
- 4.I have heard the learned counsel appearing for the

petitioners as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioners submitted that the petitioners are Hindu Vettuvas, and members of the scheduled caste. The informant also belongs to the same community as the petitioners. On that basis, it is contended that, they cannot be held liable for having committed the offence u/s 3 of Act 33 of 1989. It was also submitted that in view of the above, the bar u/s 18 of Act 33 of 1989 will not be attracted. It is further submitted that though the incident is alleged to have taken place on 27.4.2015, the crime is reported before the police only on 5.5.2015. False implication of the petitioners in the crime cannot be ruled out, is the submission of the learned counsel.

6.The learned Public Prosecutor, on the other hand, opposed the contentions of the learned counsel and submitted that the delay in obtaining medical records resulted in the delay. The records do not reveal that serious injuries were sustained by the informant or the

other inmates of the house.

7. After having considered the facts and circumstances of the case, I am satisfied that relief of pre-arrest bail can be granted to the petitioners subject to the following conditions:

- i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each, with two solvent sureties each for the like sum if they are arrested by the police in connection with this case.
- ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.
- iii). The petitioners shall make themselves available for interrogation as and when required by the Investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

//True copy//

P.S. To Judge