

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5465 of 2015 ()

**CRIME NO. 982/2014 OF KILIMANOOR POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/4TH ACCUSED :

**ANAS, AGED 22 YEARS,
S/O. THAHA, KUTTUCHANDA, VELLALLOOR VILLAGE,
KILIMANOOR, THIRUVANTHAPURAM DISTRICT**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT/STATE AND COMPLAINANT :

- 1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682031**
- 2. DY. SUPERINTENDENT OF POLICE,
ATTINGAL, THIRUVANATHAPURAM DISTRICT**
- 3. SUB INSPECTOR OF POLICE,
KILIMANOOR POLICE STATION
THIRUVANANTHAPURAM DISTRICT**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5465 of 2015

Dated this the 29th day of September, 2015

ORDER

Petitioner, who is the sole accused in Crime No.982 of 2014 of Kilimanoor Police Station registered for offences punishable under Sections 294(b), 325 and 326 read with Section 34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Prosecution case, in short, is that on 18.07.2014 at 6.00 p.m. the accused attacked the defacto complainant calling his caste name from a tea shop. He also stabbed the defacto complainant causing fracture of ribs and index finger. Petitioner pleaded innocence.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that going by the allegations in the first information statement the offence under Section 3(1) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not attracted. Further, there is inordinate delay in filing the complaint.

All these matters are not much relevant at this stage of the matter. Considering the nature of allegations and the provisions in the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, following order is passed:

If the petitioner surrenders before the investigating officer in one week and submits himself for interrogation, he shall be produced before the Magistrate having jurisdiction on the date of surrender itself. In the event, the petitioner moves for regular bail, the learned Magistrate shall consider the bail application on merits, on the basis of the principles in

Shanu v. State of Kerala (2000 (3) KLT 452).

Application is disposed of.

A. HARIPRASAD, JUDGE.

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