

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5713 of 2015 ()

CRIME NO. 418/2015 OF KALLOORKADU POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NO. 3 & 4 :

1. JIBY

**S/O.KUNJAN, AGED 39 YEARS
ACHAKOTTIL HOUSE, KALLOORKKADU POST
ERNAKULAM DISTRICT.**

2. ANU

**S/O.GEORGE, AGED 31 YEARS
KOTTAPURATHU HOUSE, VADACODE POST
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.5713 of 2015

Dated this the 30th day of September 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.2 and 3 in Crime No.418 of 2015 of Kalloorkkadau Police station registered for the offences punishable under Secs.323, 324, 341 and 294(b) read with Sec.34 of the Indian Penal Code and Sec.3(1)(X) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The prosecution case is that on 05.09.2015 at 9.00 a.m., the petitioners abused the defacto complainant and used iron rod to attack him. Accused nos.1 and 4 used the iron rod. The defacto complainant belongs to scheduled caste community. It is also alleged that the accused with an intention to insult him called him his caste name in public.

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

After hearing both sides and on a perusal of the materials in the case diary, I am not inclined to grant anticipatory bail to the petitioners.

The petitioners shall surrender before the Investigating Officer within two weeks from today and submit themselves for interrogation. After questioning the petitioners, the Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. In that event, the learned Magistrate shall deal with the matter in accordance with law based on the decision reported in **Shanu V. State of Kerala [2000 (3) KLT 452]**.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/30/09/2015

P.A. To Judge