

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 5871 of 2015

CRIME NO. 1104/2015 OF KONDOTTY POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/2ND ACCUSED :

**SANTHAKUMARI, AGED 60 YEARS,
W/O.SREEDHARAN, PULISERI HOUSE, MUTHUVALLOOR P.O.,
KONDOTTY, MALAPPURAM DISTRICT.**

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A No.5871 of 2015

Dated this the 8th day of October, 2015.

ORDER

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

2. Petitioner is the second accused in Crime No.1104 of 2015 of Kondotty Police Station registered for offences punishable under Section 498A r/w Section 34 I.P.C and Section 3(1)(x) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act (for short 'SC/ST (P.A) Act').

3. Prosecution case, in short, is that the defacto complainant, who is the daughter-in-law of the petitioner was harassed by the accused persons demanding more dowry. That apart, the petitioner allegedly called her caste name and thereby constituting an offence under Section 3(1)(x) of the SC/ST (P.A) Act. Learned counsel for the petitioner relying on Annexure A2 complaint filed by the defacto complainant before the Deputy Superintendent of Police took me through various portions of it

to show that the allegation of offence under Section 3(1)(x) of SC/ST (P.A) Act is not maintainable for the simple reason that the defacto complainant has no case that the caste name was called out in public with a view to insult or annoy her.

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

5. Considering the facts and circumstance of the case, I am of the view that the petitioner is entitled to plead for pre-arrest bail under Section 438 of the Code of Criminal Procedure.

Therefore, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit herself for interrogation. In that event, 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 Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.

If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

amk

P.A to Judge