

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Bail Appl..No. 6153 of 2015 ()

CRIME NO. 428/2015 OF THRIKKUNNAPUZHA POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/2ND ACCUSED :

**SISILY, AGED 45 YEARS
W/O. SAJEEV KUMAR, PUTHENKADATHIL HOUSE
KUMARAPURAM VILLAGE, HARIPPAD, ALAPPUZHA DT.**

**BY ADVS.SRI.SURAJ S.
SRI.VINOD CHANDRAN R.**

RESPONDENTS/COMPLAINANT :

**1. STATE
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. THE SUB INSPECTOR OF POLICE
THRIKUNNAPUZHA POLICE STATION
(CRIME NO. 428 OF 2015), ALAPPUZHA DISTRICT
PIN-688 003.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6153 of 2015

Dated this the 9th 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.428 of 2015 of Thrikunnapuzha Police Station registered for offences punishable under Sections 294(b), 323, 506(2) r/w Section 34 I.P.C and Section 3(ii)(vi), 3(X), 3(X1), 3(i)(XV) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short 'S.C/S.T (P.A) Act'). A private complaint was filed before the learned Magistrate, which was forwarded for investigation under Section 156(3) Cr.P.C.

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

4. Learned counsel for the petitioner submitted that there are civil litigations between the parties. The subject matter

of dispute is a pathway. According to him a false case is foisted on the accused persons by the defacto complainant, who is a member of Schedule Caste community.

5. Learned Public Prosecutor submitted that on account of the dispute the defacto complainant had to leave the place of her residence. Therefore, the offence is attracted. It appears that there is a civil dispute between the parties. The arraignment of the petitioner in an offence under the S.C/S.T (P.A) Act is with an oblique motive, according to the learned counsel for the petitioner.

5. Considering the nature of disputes and the fact that other litigations are pending between the parties, I direct the petitioner to surrender before the learned Magistrate having jurisdiction in two weeks and move for regular bail. In that event, the learned Magistrate shall consider the bail application on the date of surrender itself based on the principles laid down in *Shanu v. State of Kerala (2000(3) K.L.T 452)*. If petitioner

does not surrender in the stipulated time, the Investigating Officer is free to arrest her as if no order is passed in this matter.

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge

amk