

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6218 of 2015 ()

CRIME NO. 1556/2015 OF VADAKKENCHERRY POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED :

**JUSTIN PAUL, AGED 44 YEARS
S/O.PAUL STEPHEN, PUTHENPURACKAL HOUSE, POTTIMADA
VANIYAMBARA P.O., THRISSUR DISTRICT.**

**BY ADVS.SRI.S.U.NAZAR
SRI.MANSOOR B.H.**

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.6218 of 2015

Dated this the 12th day of October 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.1556 of 2015 of Vadakkencherry Police station registered for the offence punishable under Sec.3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Prosecution case is that the petitioner called the defacto complainant, who belongs to scheduled caste community, his caste name in public with a view to insult him.

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

Considering the nature of allegation, following directions are issued.

The petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. After

questioning, the Investigating Officer shall produce the petitioner before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits on the date of surrender itself based on the principles in **Shanu v. State of Kerala [2000 (3) KLT 452]**.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/12/10/2015

P.A. To Judge