

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 6421 of 2015 ()

**CRIME NO. 699/2015 OF NEYYAR DAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONERS (ACCUSED NO. 1 TO 3) :

- 1. SUNIL R.,
S/O.RESHI, AGED 30
PARATHI KIZHAKKEKARA PUTHAN VEEDU
KARIKUZHI P.O., AMBOORI, THIRUVANANTHAPURAM.**
- 2. JOSEPH,
S/O.SABARI MUTHU, AGED 52
THADATHARIKATHU, PUTHAN VEEDU
KARIKUZHI P.O, AMBOORI, THIRUVANANTHAPURAM.**
- 3. JOGI,
S/O.JOSEPH, AGED 23,
THADATHARIKATHU, PUTHAN VEEDU
KARIKUZHI P.O, AMBOORI, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON**

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 02-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.6421 of 2015

Dated this the 2nd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Anticipatory bail application by the accused in Crime No.699 of 2015 of Neyyar Dam Police Station registered for offences punishable under Sections 341, 232, 324, 427, 294(b) 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.

3. Heard both sides.

4. Learned Prosecutor submitted that the first petitioner's mother is a member of Scheduled Caste Community and though his father was a Muslim, petitioner lives as Hindu Scheduled Caste. Therefore, the only non-bailable offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act will not be prima facie attracted. Other offences are bailable.

Considering the facts and circumstances, the application is disposed of with the following directions:

i. In the event of arrest in Crime No.699 of 2015 of Nayyar Dam Police Station, petitioners shall be released on bail on executing a bond for ₹25,000/- (Rupees twentyfive thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

cks