

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7078 of 2015

CRIME NO. 156/2015 OF MELATTUR POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED NO.2 :

**SUHAIL K.P., AGED 28 YEARS,
S/O.SHERAFFUDIN, KULUKKUMPARA HOUSE, THENKARA,
MANNARCAD, PARASSERY, MANALADY.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031, (CRIME NO.156/2015 OF MELATTUR POLICE
STATION, MALAPPURAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
MELATTUR POLICE STATION,
MALAPPURAM DISTRICT- 679 326(CRIME NO.156/2015 OF MELATTUR
POLICE STATION, MALAPPURAM DISTRICT).**

BY SR.PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.7078 of 2015

Dated this the 17th day of November, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in Crime No.156 of 2015 of Melattoor Police Station registered for the offences punishable under Sections 376(2)(n) & 506(i) r/w Section 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The case was registered on the basis of a complaint by a lady, belonging to Scheduled Caste community with the allegation that she was sexually assaulted by one Anzar on several occasions. The allegation against the petitioner is that the petitioner at a later point of time threatened the defacto complainant over phone that she should refrain from accusing Anzar

in connection with the incident.

4. Heard both sides.

5. Learned Public Prosecutor submitted that the materials in the case diary show that the defacto complainant on a subsequent occasion stated that the petitioner, along with other friends of Anzar, threatened her over phone to face the consequence, if she did not exonerate Anzar.

6. Learned counsel for the petitioner submitted that going by the materials in the case diary neither the offence under Section 376 IPC nor the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act could be attracted.

7. Considering the nature of the allegations, I am of the view *prima faice* that the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act will not be attracted. Hence, I am inclined to grant bail to the petitioner with the following directions:

(a) Petitioner shall surrender before the

Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True copy/

P.A. to Judge