

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Bail Appl..No. 7589 of 2015

CRIME NO. 877/2015 OF PANDIKAD POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED NO.1 TO 4:

1. SHARAFUDHEEN P.P., AGED 34 YEARS,
S/O. MOIDEEN, PAPPADATH HOUSE, KADAMBOTT P.O.,
PANDIKKAD VIA, MALAPPURAM DISTRICT.
2. SAIFULLA. P.K.,
S/O. ABDUL LATHEEF, PUDUKOLLI HOUSE, KADAMBODU P.O.,
PANDIKKAD VIA, MALAPPURAM DISTRICT.
3. IBRAHIM N.K.,
S/O MOIDEEN, NAMBANKUNNAN HOUSE, KADAMBODU P.O.,
PANDIKKAD VIA, MALAPPURAM DISTRICT.
4. SALIM,
S/O HAMSA, ALUNGAL HOUSE, KADAMBODU P.O.,
PANDIKKAD VIA, MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (CR. NO. 877/15 OF PANDIKKAD POLICE STATION).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A. HARIPRASAD, J.

Bail Appl. No.7589 of 2015

Dated this the 7th day of December 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused nos.1 to 4 in Crime No.877 of 2015 of Pandikkad Police Station registered for the offences punishable under Sec.143, 147, 341, 323 and 506(i) read with Sec.149 of the Indian Penal Code and Sec.3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Prosecution case is that, on 07.11.2015, the petitioners, in furtherance of their common intention, restrained and attacked the defacto complainant, who is a member of a scheduled caste, called his caste name publicly and thereby committed the aforesaid offences.

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

5. Considering the provisions in Sec.18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the petitioners are directed to surrender

before the investigating officer and after questioning the investigating officer shall produce them before the learned Magistrate having jurisdiction on the same day. If the petitioners moves for bail, the learned Magistrate shall consider the matter on merit, if possible on the date of filing of the application itself, relying on the decision reported in **Shanu v. State of Kerala [2000 (3) KLT 452]**.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/07/12/2015

P.A. To Judge