

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Bail Appl..No. 7734 of 2015 ()

CRIME NO. 1778/2015 OF KURUPPAMPADY POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**M.V.ALIAS, S/O. VARKEY, AGED 37 YEARS,
MANIYELI HOUSE, THURUTHI P.O.,
KURUPPAMPADY, ERNAKULAM DISTRICT.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A.No.7734 of 2015

Dated this the 11th day of December, 2015

ORDER

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

2. Petitioner is the accused in Crime No.1778 of 2015 of Kuruppampady Police Station registered for the offences punishable under Sections 3(1)(viii), (ix) & (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Defacto complainant is working as the Executive Engineer in PWD division. It is the allegation that the petitioner filed false complaints against the defacto complainant before authorities.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that earlier there was a private complaint filed by the defacto complainant against the petitioner alleging the same set of offences. Annexure-A report submitted by the Dy.S.P. Muvattupuzha Shows that the offence alleged under Section 3(1) of Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act was later deleted. The petitioner had filed a complaint against the defacto complainant before Lok Ayutha and obtained a favourable order. According to the petitioner, he is falsely implicated in this case.

6. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner can be directed to appear before the court and seek regular bail and in that event, the court shall consider the application on merits as expeditiously as possible if possible on the date of surrender itself keeping in mind the principles in **Shanu v. State of Kerala** [2000(3) KLT 452].

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge