

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 7779 of 2015

CRIME NO. 748/2015 OF MELUKAVU POLICE STATION, KOTTAYAM
.....

PETITIONER(S)/ACCUSED:

**K.D.MATHEW, AGED 71,
S/O. DEVASSIA, KULAMAKKAL HOUSE, ANTHINAD P.O.,
LALAM VILLAGE, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
MELUKAVU POLICE STATION, MELUKAVU, KOTTAYAM - 686 631.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

P.BHAVADASAN, J.

B.A. No. 7779 of 2015

Dated this the 23rd day of December, 2015

ORDER

This is a petition filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail. The petitioner is the accused in Crime No.748/2015 of Melukavu Police Station who is alleged to have committed offences punishable under Sections 406 and 420 of IPC and Section 17 of the Money Lenders Act and Section 3(1)(x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. The petitioner points out that by no stretch of imagination, the offence under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act can be attracted to the facts of the case even assuming all the allegations are true. It has been incorporated only to see that the petitioner is denied bail.

3. The learned Public Prosecutor on the other hand pointed out that there are allegations in the complaint which would attract the provisions of the Act and the embargo contained the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, anticipatory bail cannot be granted.

5. After having bestowed attention to the various aspects and after having gone through the records made available by the learned Public Prosecutor, it is felt that it cannot be said that as of now there are no allegations. As to the veracity of allegations, it is not a matter to be gone into by this Court at this point of time. However, taking into consideration the various aspects, this petition is disposed of as follows:

The petitioner may surrender before the Investigating Officer on or before **11.01.2016**, who after interrogation, shall produce him before the JFCM Court concerned. If the petitioner moves an application for bail before the said

court, the learned Magistrate shall consider and pass appropriate orders thereon in accordance with law, preferably on the date of surrender itself.

Sd/-
P.BHAVADASAN
JUDGE

ds

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P.A. to Judge