

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 7806 of 2015

CRIME NO. 1558/2015 OF CHAVAKKAD POLICE STATION, THRISSUR DISTRICT.
.....

PETITIONER/ACCUSED NO.3:

**FATHIMA, AGED 67 YEARS,
W/O. ABDULLA, UVVAN VETTEL HOUSE,
MUPPILAVIL, THIRUVATHARA P.O.,
CHAVAKKAD, THRISSUR DIST-680516.**

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-31.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.7806 of 2015

Dated this the 16th day of December, 2015

O R D E R

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

2. Petitioner is 3rd accused in Crime No.1558 of 2015 of the Chavakkad Police Station registered for the offence punishable under Sections 323, 324 and 308 r/w Section 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Petitioner is the mother of the defacto complainant. Defacto complainant married a person in the Scheduled Caste community. It is alleged that the petitioner called the caste name of her son-in-law and thereby, she committed the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989. The offences punishable under Sections 323, 324 and 308 r/w Section 34 of the Indian Penal Code are alleged against other accused persons.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is a lady aged 67 years. She is totally innocent. Her daughter married a person hailing from Harijan community. She called his caste name from her house is the allegation. Therefore, the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not *prima facie* attracted.

6. Considering the facts and circumstances, the following directions are issued:

The petitioner shall surrender before the court having jurisdiction in this matter. If the petitioner moves for bail, the learned

magistrate shall consider the application as expeditiously as possible, if possible on the date of surrender itself and dispose of the same in view of the principles in **Shanu v. State of Kerala** [2000(3) KLT 452].

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge