

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7916 of 2015

CRIME NO. 1719/2015 OF VARKALA POLICE STATION, TRIVANDRUM DISTRICT.
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PETITIONER/2ND ACCUSED:

**SAJIN @ KUNJIMON, AGED 24 YEARS,
MANGALATHUMVILA VEEDU, MEL-VETTOOR (PO),
VETTOOR, TRIVANDRUM DISTRICT.**

**BY ADVS.SRI.C.R.SIVAKUMAR
SRI.M.K.ABDUL RAUF**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
VARKALA POLICE STATION, TRIVANDRUM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7916 OF 2015

Dated this the 18th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. When the bail application came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner belongs to Parevan community. The main offence alleged is under Section 3(i)(x) of Schedule Caste and the Schedule Tribes (Prevention of atrocities) Act, 1989.

2. The main submission is that the bar under Section 18 of the Act will not come as a hurdle in granting bail in this case. It is submitted that when the petitioner is belonging to schedule caste and even if the allegation of saying “ മേത്തന്മാരുടെ കൂടെ എത്തിനാണു നടക്കുന്നതു തെളാതെ” is believed, it will not invite an offence under Section 3(i)(x) of Schedule Caste and the Schedule Tribes (Prevention of atrocities) Act, 1989.

3. I heard the the learned Public Prosecutor. The learned Public Prosecutor submitted before me that the petitioner not only called the caste name, but also wielded sword and thereby committed the offence.

4. At this juncture, the learned counsel for the petitioner submitted before me that even though Arms Act is incorporated in the offence, there is no notification so far issued in the State of Kerala in respect of the arms.

5. After considering the totality of the case and also considering the submission of the learned counsel for the petitioner, the following order passed :

1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioner. Thereafter, the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m. and 12 noon for a period of three months.

3) The petitioner shall not commit similar offences during the bail period.

4) The petitioner shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

K.P.JYOTHINDRANATH
JUDGE

SV.