

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 8381 of 2014 ()

**CRIME NO. 728/2014 OF MALAYINKEEZH POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. SAJI S, AGED 33 YEARS,
S/O SUKUMARAN K, RESIDING AT VAZHUTHOORKONAM
THEKKUMKARA, VILAVOORKAL, MALAYINKAL P.O.,
THIRUVANANTHAPURAM 695571**
- 2. R.S. RATHEESH, AGED 31 YEARS,
S/O RETHNAKARAN, RESIDING AT T.C 7/361,
VAZHUTHOORKONAM 3, VILAVOORKKAL,
VILAVOORKKAL PANCHAYAT, THIRUVANANTHAPURAM 695571**
- 3. AJITH A @ JABBAR, AGED 28 YEARS,
S/O SREEDHARAN, RESIDING AT T.C 2/578, AJITHA NIVAS
2, MALAYINKEEZHU, MALAYINKEEZHU PANCHAYAT
THIRUVANANTHAPURAM 695571**
- 4. SHIJU M.S., AGED 28 YEARS,
S/O SYAMALA, T.C 18/503(381), SHIJU BHAVAN 3
HIGH SCHOOL WARD, MALAYINKEEZHU PANCHAYAT,
THIRUVANANTHAPURAM 695571**

**BY ADVS.SRI.V.N.GOPALAKRISHNAN NAIR
SRI.K.A.HASSAN
SRI.A.CHANDRA BABU
SRI. ARUN GOPALAKRISHNAN
SRI. VARUN GOPALAKRISHNAN**

RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**
- 2. THE SUB INSPECTOR OF POLICE,
MALAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM 695571**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 8381 of 2014

Dated this the 28th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 294(b), 341, 323, 324 and 34 of the Indian Penal Code, 1860 and Section 3(1)(X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that they uttered obscene words, wrongfully restrained the victim who belongs to a scheduled caste and assaulted him and called him his caste name.

3. Heard.

4. Except the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the other offences are of a minor nature. Going by the First Information Statement, only the first petitioner called the victim his caste name. It is very difficult to accept that it was in furtherance of the common intention of all the accused the first petitioner committed the said offence. Having regard to these facts, I am inclined to grant the prayer of the petitioners 2 to 4 for

anticipatory bail.

In the result, this application is allowed in part.

- 1)The petitioners (2 to 4) will be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.*
- 2)They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Wednesdays for four months or till the final report is filed, whichever is earlier.*
- 5)They shall not intimidate or attempt to influence the witnesses.*
- 6)They shall not destroy or tamper with evidence.*
- 7)They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. The application is dismissed so far as

the first petitioner is concerned.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge