

Bipin vs State of Kerala

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Court : Kerala Orders

Decided On : May-30-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./3745/2023

Appellant : BIPIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 30TH DAY OF MAY 2023 / 9TH JYAISHTA, 1945 BAIL
APPL. NO. 3745 OF 2023 (Crime No. 8/2023 of Konny Police Station)
PETITIONER/ACCUSED: BIPIN AGED 25 YEARS S/O SOMAN P J
BINDHU BHAVAN VADASSERIKKARA PO, VADASSERIKKARA
PATHNAMTHITTA DISTRICT, PIN - 689662 BY ADVS. L.RAM MOHAN
M.AUBREY ABRAHAM ISAAC RESPONDENT/COMPLAINANT/DE
FACTO COMPLAINANT: STATE OF KERALA STATE OF KERALA.
REPRESENTED BY STATION HOUSE OFFICER. KONNY STATION,
PATHAMTHITTA. REPRESENTED THROUGH PUBLIC
PROSECUTOR. HIGH COURT OF KERALA, PIN - 682031 OTHER

PRESENT: ADV SEETHA S -SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A No. 3745 of 2023

ORDER

This is an application filed under Section 438 of Code of Criminal Procedure seeking anticipatory bail by the petitioner before this Court, as he apprehends arrest in connection with the investigation of Crime No. 8/2023 of Konny Police Station. Initially the aforesaid crime was registered for the offences punishable under Section 366 and 376 of Indian Penal Code. However, the learned Public Prosecutor submitted that the offence under the provision of Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act was also incorporated. In such circumstances, in the light of the decision rendered by this Court in Basheer v. Rajani 2022 (5) KLT 352, this application for anticipatory bail is not legally maintainable. Therefore, this Bail Application is closed without prejudice to the right of the petitioner to approach the Special Court for appropriate order.

Sd/- ZIYAD RAHMAN A.A JUDGE rpk

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