

1. Premkumar, vs State of Kerala

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Court : Kerala

Decided On : Apr-20-2021

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Bail Appl./1181/2021

Appellant : 1. Premkumar,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 20TH DAY OF APRIL 2021 / 30TH CHAITHRA, 1943 Bail Appl..No.1181 OF 2021 CRIME NO.16/2021 OF Attingal Police Station , Thiruvananthapuram PETITIONERS/ACCUSED: 1 PREMKUMAR, AGED 48 YEARS SON OF GOPINATHAN, PS BHAVAN, MANNOOR BHAGAM, 2 AJAYAKUMAR .R SON OF KARUNAKARAN, AMBADI, MANNOOR BHAGAM BY ADV. SRI.M.R.SARIN RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 RAJAN S/O. GOPALAN, SAROVARAM, MANNOORBHAGOM, ALAMCODE P.O, ATTINGAL, SRI.E.C.BINEESH, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20.04.2021, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.1181 OF 2021 2

ORDER

This application is filed under Section 438 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.1 and 2 in Crime No.16 of

2021 of Attingal Police Station. The offences alleged against the petitioners are punishable under Sections 447, 294(b) and 506 r/w 34 of IPC and Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter called "the Act").

3. The prosecution case is that on 02.01.2021 at 5.00 P.M, the

petitioners trespassed upon the landed property of the de-facto complainant, who belongs to Scheduled Caste, and intentionally insulted him with intent to humiliate him within public view.

4. The case of the petitioners is that they have not committed any offence as alleged.

5. Though notice was served on the de facto complainant, he failed to appear before the Court.

6. The learned Public Prosecutor opposed the bail plea of the petitioners contending that the application seeking Anticipatory Bail is not maintainable in so far as the offences under the Act are concerned, in Bail Appl..No.1181 OF 2021 3 view of the bar contained in Section 18.

7. The learned counsel for the petitioners submitted that he is

not pressing the relief of Anticipatory Bail. He submitted that the petitioners may be given the liberty to surrender before the jurisdictional Court for seeking regular bail.

8. Hence the Bail Application is disposed of as follows:-

i) The petitioners shall surrender before the Special Court concerned within two weeks from the date of receipt of the copy of this order. ii) The special Court will dispose of the application seeking regular bail preferably on the date of consideration of the same. iii) Petitioners shall serve copy of the application seeking bail, well in advance to the learned Public Prosecutor concerned for facilitating compliance of the mandate of Section 15-A(3) of the Act. Sd/- K. BABU Sru JUDGE

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