

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN

FRIDAY, THE 29TH DAY OF JUNE 2012/8TH ASHADHA 1934

Bail Appl..No. 4347 of 2012 ()

(CRIME NO.436/2010 OF MANARKKAD POLICE STATION, PALAKKAD DISTRICT)

PETITIONR/ACCUSED:

**RENJITH,
ADVOCATE, S/O THANKAM, MALAPPURATHU HOUSE
POTTASSERI P.O, KANJIRAPUZHA MANNARKAD, PALAKKAD**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN
SRI.JOSEPH GEORGE(MULLAKKARIYIL)**

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR,SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-06-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

BP

N.K.BALAKRISHNAN, J.

B.A. No.4347 of 2012

Dated this the 29th day of June 2012

O R D E R

Petitioner is the accused in Crime No.436/2010 of Mannarkad Police Station. The offences alleged against him are under Secs.342, 332, 354 and 427 r/w 34 IPC and Sec.3(1)(xi) of SC/ST (Prevention of Atrocities) Act. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is contended that on 15.6.2010 at about 11 AM, one Usha Devi went to Pottassery No.1 Village Office for correcting her caste name. It is stated that the certificate was not issued. There was altercation with regard to the same.

3. Learned counsel for the petitioner submits that the information received is that the certificate was not issued because of some other reasons, which is quite

obvious. On coming to know that the Village Officer did not issue the certificate people gathered there. It is stated that the information is that there was a complaint also against this Village Officer earlier. Coming to know of the incident that was happening there, the press people reached there. They were videographing the incident. The Village Officer was stated to have attacked one videographer in respect of which Crime No.435/2010 was registered alleging offences under Secs.341, 323 and 427 IPC.

4. The petitioner, who is a practicing advocate and a member of Kanjirapuzha Panchayath also reached there. As a member of the Panchayath he also intervened in the matter. The allegation that the Village Officer was attacked by the petitioner and others is only a story invented by the Village Officer (the complainant) to forestall the case against him, the learned counsel submits. It is also pointed out that there is no specific allegation against this petitioner. Learned counsel submits that Sec.332 has been

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added with ulterior motives to see that bail is denied to the petitioner. Similarly Sec.3(1)(xi) was added for the same purpose, the learned counsel submits. For the purpose of bail, I find that there is no evidence to show that this petitioner has committed the offence under Sec.332 IPC. All other offences are bailable offences. In view of the bar under Sec.18 of the SC/ST (Prevention of Atrocities) Act no anticipatory bail can be granted.

As such, the petitioner will surrender before the learned Magistrate within 10 days from today and convince the learned Magistrate that in view of the fact that other offences are bailable offences, he is entitled to get bail in the light of the decision in **Shanu v. State of Kerala** [2000 (3) KLT 452] and other decisions on the point.

**N.K.BALAKRISHNAN,
JUDGE.**