

(2021) 01 KL CK 0441
In the High Court Of Kerala
Case No : Criminal Appeal No. 841 Of 2020

P. Yatheendradas And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 19-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294(b), 323, 324, 354, 354A, 354(A)(1)(i), 354(A)(1)(iv), 509

Scheduled Caste And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s), 3(2)(va), 18(A)

Citation : (2021) 01 KL CK 0441

Hon'ble Judges : P. Somarajan, J

Bench : Single Bench

Advocate : P. Vijaya Bhanu, M. Revikrishnan, Ajeesh K. Sasi, P.M. Rafiq, Thomas J. Anakkallunkal, V.C. Sarath, Vipin Narayan, Pooja Pankaj, N. Bhat, Abel Tom Benny, Kiran Antony, M.N. Maya, Saji Varghese Kakkattumattathil

Final Decision : Allowed

Judgement

1. The crime was registered on the allegation of offence under Sections 323, 324, 354, 354A, 354A(1) (i), 354A(1)(iv), 509, 294(b), 34 IPC and under

Sections 3(1)(s)& 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended by Act 1 of 2019). The

defacto complainant submitted an affidavit stating that they have settled the matter amicably.

2. It is submitted by the learned counsel for the petitioner that, even otherwise the allegation levelled against would not attract any of the offences

under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (herein after referred as SC/ST Act). The fact that the

matter has been settled between the parties and an affidavit sworn by the defactocomplainant produced before this Court would prima facie show that

there is no material to attract any of the offences alleged under the SC/ST Act and as such, Section 18A has no application in the case. The offences

alleged are minor in nature. As such, the anticipatory bail is granted to the petitioners on executing bond for Rs.20,000/- each with two solvent sureties

each for the like sum. Bail bond shall be executed within one month from today.

Granting of bail will be subject to the following conditions:-

1. The petitioners shall not in anyway induce directly or indirectly any of the witnesses involved in the case including the defacto complainant.
2. The petitioners shall not unleash any threat or coercion against them directly or indirectly.
3. The petitioners shall appear before the Investigating Officer as and when required.
4. They shall not leave the state of Kerala without prior permission from the concerned Special Court.

The criminal appeal is allowed accordingly.