

Sajad Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 14, 2025

Acts Referred: Indian Penal Code, 1860 " Section 34, 302, 449

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 " Section 3(2)(v), 14A

Hon'ble Judges: C.S.Sudha, J

Bench: Single Bench

Advocate: Rajitha V.K, P.Anoop

Final Decision: Disposed Of

Judgement

C.S.Sudha, J.

1. This is an appeal filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the SC/ST Act)

filed by the appellant/2nd accused in crime No.1167/2021, Vanchiyoor Police Station, aggrieved by the dismissal of his application, namely, CrI.M.P

No.651/2024 in S.C.No.1253/2021 on the file of the Special Court for the Trial of offences under SC/ST (PoA) Act, Nedumangad, seeking regular

bail under Section 483 BNSS.

2. The prosecution case is that on 28/06/2021 at 02:00 a.m., the accused persons two in number who do not belong to the scheduled caste or

scheduled tribe community trespassed into the rented house of one Sampath, a person belonging to the scheduled caste, attacked him with a knife and

inflicted multiple grievous injuries to which he succumbed. Thus, as per the FIR the accused persons are alleged to have committed the offences

punishable under Sections 449, 302 read with Section 34 IPC and Section 3(2)(v) of the SC/ST Act.

3. The appellant/2nd accused was arrested on 28/06/2021 and since then he has been in judicial custody. The trial court as per the impugned order

dismissed the application for regular bail taking into account the gravity of the offences as well as the antecedents of the accused. Aggrieved, the

appellant/2nd accused has come up in appeal.

4. It is submitted by the learned counsel for the appellant/2nd accused that the marriage of his sister is to be solemnized on 15/01/2025 (tomorrow) and

if this Court is not inclined to grant regular bail, at least bail for a short period may be granted so as to enable the appellant/2nd accused to attend the

marriage.

5. The application is strongly opposed by the learned Public Prosecutor who submits on the basis of the instructions received that there are three

crimes registered against the appellant/2nd accused and that if he is released on bail there is every possibility of the witnesses in the case being

intimidated and threatened and that there is also the possibility of the appellant/2nd accused absconding. Hence, he submits that the appellant/2nd

accused is not entitled to be granted bail.

6. Heard both sides.

7. As noticed earlier the appellant/2nd accused is inter alia alleged to have committed the offence punishable under Section 302 IPC. The investigation

in the case is over and the final report has also been filed and the case taken on file as S.C.No.1253/2021 by the Special Court for the trial of offences

under SC/ST (POA) Act, Nedumangad. As the appellant/2nd accused has criminal antecedents and as there is every possibility of the appellant/2nd

accused intimidating or threatening the witnesses, it may not be conducive to grant regular bail at this point of time. However, as the marriage of his

sister is to be solemnized on 15/01/2025, in the interest of justice bail for a day is granted, that is on 15/01/2025 (tomorrow). The Jail Superintendent

concerned shall make necessary arrangements for taking the appellant/2nd accused to the venue where the marriage of his sister is to be solemnized.

The appellant/2nd accused shall be taken back to the jail concerned immediately after the ceremonies are over. The officials taking the appellant/2nd

accused to the venue shall be in civil dress.

The appeal is disposed of accordingly.

The registry is directed to communicate the order today itself to the Jail Superintendent concerned for compliance.

Interlocutory applications, if any pending, shall stand closed.