



2025:KER:12010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

THURSDAY, THE 13TH DAY OF FEBRUARY 2025 / 24TH MAGHA, 1946

CRL.A NO. 194 OF 2025

CRIME NO.494/2024 OF VELLAYIL POLICE STATION, KOZHIKODE

AGAINST THE ORDER DATED 21.01.2025 IN CRMC NO.37 OF
2025 OF DISTRICT COURT & SESSIONS COURT, KOZHIKODE

APPELLANT/PETITIONER NO.1/ACCUSED NO.1:

PRAJEESH P.
AGED 27 YEARS
S/O. PRASAD KANHIRASSERY HOUSE, (PO) KARAPARAMBA,
KOZHIKODE, PIN - 673010

SHARAN SHAHIER
SNEHA JOY
RHEA SHERRY
SONA BENNY
ANGELINA JOY
AQEEL MUHAMMED K.H.

RESPONDENTS/RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031
- 2 HARITHA C.,
W/O PRAJEESH, AGED 29 YEARS, CHERUKULATHUR H,
SANTHINAGAR COLONY, WEST HILL PO, KOZHIKODE CITY,
KERALA, PIN - 673005

SRI.VIPIN NARAYAN, PP

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
13.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



C.S.SUDHA, J.

Criminal Appeal No.194 of 2025

Dated this the 13th day of February 2025

J U D G M E N T

This appeal under Section 14A of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 (the Act) has been filed by the first petitioner/first accused in crime no.494/2024, Vellayil Police Station, aggrieved by the dismissal of his petition under Section 482 BNSS, namely, Crl.M.C. No.37/2025, on the file of the Court of Session, Kozhikode, seeking pre-arrest bail.

2. The prosecution case is that the 1st accused, the husband of the informant/victim and the 2nd accused, the mother-in-law and 3rd accused, the brother-in-law, of the victim used to mentally and physically harass the victim and has also misappropriated her gold ornaments. It is also alleged that the first accused has married again during the pendency of the marriage with the informant/victim. It is



also alleged that the second accused, that is, the mother-in-law, has abused the victim by calling her caste name. Hence, as per the prosecution case, the accused persons are alleged to have committed the offences punishable under Sections 82(1), 85, 316(2) & 314 BNSS and Section 3(1)(s) of the Act.

3. The request for anticipatory bail is opposed by the learned Public Prosecutor. However, he submits on instructions that the final report has been filed. It is also submitted that the second accused has been granted anticipatory bail.

4. Heard both sides. Notice was served on the informant/injured through the SHO concerned.

5. As the investigation has been completed and the final report filed, custodial interrogation of the first accused is not necessary. Further, the materials on record do not *prima facie* make out an offence under Section 3(1)(s) of the Act against the appellant herein. In these circumstances, I find that the appellant/first accused is entitled to an order of anticipatory bail. Therefore, the impugned



order is set aside and it is ordered thus:-

- i) The appellant/first accused in the event of his arrest shall be released on bail on execution of a bond to the satisfaction of the officer concerned;
- ii) The appellant/first accused shall co-operate with the investigation and appear before the investigating officer concerned as and when directed by the investigating officer.
- iii) He shall not leave the country without the prior permission of this Court.
- iv) He shall not contact or intimidate the informant/victim or the witnesses in this case.
- v) The appellant/first accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.



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The appeal is allowed.

Interlocutory applications, if any pending, shall stand closed.

Sd/-

**C.S.SUDHA
JUDGE**

NP



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APPENDIX OF CRL.A 194/2025

PETITIONER'S ANNEXURES

**Annexure 1 THE TRUE COPY OF THE FIR IN CRIME NO.
494/2024 OF VELLAYIL POLICE STATION**

**Annexure 2 THE FREE COPY OF THE ORDER DATED
21/1/2025 IN CRL.MC NO. 37/2025 PASSED
BY THE SESSIONS COURT KOZHIKODE**

RESPONDENTS' ANNEXURES: NIL