

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

SATURDAY, THE 11<sup>TH</sup> DAY OF APRIL, 2020 /22ND CHAITHRA, 1942

CRL.APPEAL NO.336 OF 2020

CRL.M.P.NO.55/2020 OF THE SPECIAL JUDGE, SPECIAL COURT OF SC/ST(PoA) ACT  
CASES, MANANTHAVADY

CRIME NO.106/CB/KKD-WYD/18 (CRIME NO.128/2016 OF KENICHIRA POLICE  
STATION

APPELLANTS/ACCUSED NOS.1 & 2:

1. THANKAPPAN V.W ,  
AGED 71, S/O.ITTENKOCHU, VENGANILKKUMTHODIYIL VEEDU,  
PATHILPEEDIKA, KENICHIRA, POOTHAADY, WAYNAD.
2. SURESH V.T, AGED 50, S/O.THANKAPPAN,  
VENGANILKKUMTHODIYIL VEEDU,  
PATHILPEEDIKA, KENICHIRA, POOTHAADY, WAYNAD.

BY ADV.SRI.K.R.VINOD

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, KOCHI-682 031.
2. DySP-II, CRIME BRANCH,  
KOZHIKODE, PIN-673 004.

BY SR. PUBLIC PROSECUTOR, SRI. SUMAN CHAKRAVARTHY

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**JUDGMENT**

The above captioned appeal is filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenging the order dated 28.02.2020 of the learned Special Judge, Mananthavady rejecting the application for regular bail filed by the applicants herein.

2. The applicants herein, who are father and son respectively, are the accused in Crime No.128/2016 of the Kenichira Police Station. They are accused of having committed offenses punishable under Sections 302, 201 r/w. Section 34 of IPC and Sections 3(2)(v), 3 (2)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard the learned counsel appearing for the applicants and the learned Special Public Prosecutor through video conferencing.

4. The prosecution allegation is that the applicants, owing to certain disputes with one Mani, who is their employee, committed his murder and caused disappearance of the evidence.

5. The prime witnesses are the wife of the 1st applicant and one of his employees, who are stated to have given statements under Section 164 of the Cr.P.C. before the learned Magistrate. As the case is being heard through video conferencing, I have not had the advantage of going through the records.

6. The main apprehension expressed by the learned Special Public Prosecutor is that the 1st applicant, being a very influential person and a prominent landlord, would manage to influence the witnesses and tamper with the evidence.

7. Having considered the facts and circumstances, the nature of allegations and attendant facts, I am not persuaded by the vehement contentions advanced by Sri.K.R.Vinod, touching the merits of the case. The apprehension expressed by the prosecution appears to be genuine considering the facts and circumstances of the instant case.

8. However, I take note of the fact that the applicants have already undergone detention for about 85 days. I make it clear that the dismissal of this appeal will not fetter the rights of the applicants to claim bail by default under the proviso to Section 167(2) from the jurisdictional Court if the final report is not filed within the period stipulated by the Code.

With the above observations, this appeal will stand dismissed.

**RAJA VIJAYARAGHAVAN.V.**

**JUDGE**