ITEM NO.6 COURT NO.14 SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.11154/2025

[Arising out of impugned final judgment and order dated 08-07-2025 in BA No.6185/2025 passed by the High Court of Kerala at Ernakulam]

SIDHAN @ SIDHARATHAN Petitioner(s)

VERSUS

STATE OF KERALA & ANR. Respondent(s)

IA No. 177903/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 177904/2025 - EXEMPTION FROM FILING O.T.

Date : 31-10-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Sriram Parakkat, Adv.
Mr. Sriram P., AOR
Mr. Anandhu S Nair, Adv.
Ms. Maneesha Sunil Kumar, Adv.
Mr. Bajinder Singh, Adv.
Mr. Sreenath S, Adv.
Mr. Parthasarathy, Adv.

For Respondent(s) : Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.L., Adv.

Biju P. Raman, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The petitioner who has been arraigned as an accused in Crime No.372/2025 for the offences punishable under Section 126(2), 118(1), 296(a) and 110 of the Bharatiya Nyaya Sanhita, 2023 is seeking for grant of anticipatory bail.

2. We have heard the learned advocates appearing for the parties.

3. The gist of the prosecution case is that on 16.04.2025, the petitioner – accused blocked the complainant on the road and threatened him and assaulted him with a chopper resulting in serious bleeding injuries. It is also alleged that complainant attempted to defend himself using both hands at which point of time the accused – petitioner inflicted additional injuries resulting in severe bleeding. On the same grounds as urged before this Court, the anticipatory bail was

sought before the jurisdictional High Court which has been rejected by the impugned order. Hence, this petition.

4. Having heard the learned advocates appearing for the parties and on perusal of the wound certificate which is produced alongwith the petition which discloses that the victim himself was under alcoholic influence and the alleged injuries sustained by him is simple in nature, we are of the view that petitioner would be eligible for grant of the relief sought for. It is rather surprising to note that though there was no allegation of any caste slur made by the complainant in his complaint, the jurisdictional police seems to have acted in zeal to incorporate the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("the Act") which that *prima facie* swayed in the mind of the High Court to reject the anticipatory bail in view of the embargo placed under Section 18 of the Act. However, the

complaint filed at the first instance by the injured would reveal that he not even whispered about any such caste slur made by petitioner – accused. Hence, we are inclined to accept the contentions raised in this petition. Hence, the petition is allowed and petitioner is ordered to be released on anticipatory bail by the jurisdictional Investigating Officer on such terms and conditions as he deems fit.

5. Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)