



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

THURSDAY, THE 18TH DAY OF JUNE 2026 / 28TH JYAISHTA, 1948

CRL.A NO. 750 OF 2026

CRIME NO.420/2026 OF VALAPPAD POLICE STATION, THRISSUR
AGAINST THE ORDER DATED 22.05.2026 IN BA NO.25 OF 2026
OF SPECIAL COURT FOR SC/ST (POA) ACT CASES, THRISSUR

APPELLANTS/1ST AND 2ND ACCUSED:

- 1 BHAGEESH POORADAN
AGED 47 YEARS
S/O.BAHULEYAN, POORADAN HOUSE,
THALIKULAM.P.O.,
THALIKULAM VILLAGE,
THALIKULAM DESOM,
CHAVAKKAD TALUK,
THRISSUR,
PIN - 680569

- 2 SREEJITH,
AGED 43 YEARS
S/O GANGADHARAN,
THANNIPARAN HOUSE,
THALIKULAM VILLAGE,
THALIKULAM DESOM,
CHAVAKKAD TALUK
THRISSUR,
PIN - 680569

BY ADVS.
SMT.E.U.DHANYA
SRI.LINDONS C.DAVIS
SMT.N.S.SHAMILA
SMT.CHINJU P. JOYIES
SHRI.VINAYAK MANOHARAN P.



RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM,
PIN - 682031

2 SARIGA
AGED 35 YEARS
D/O.RAMANAN, VADAKKAN VEEDU,
NAMBIKKADAVU DESOM,
THALIKKULAM VILLAGE,
THRISSUR.,
PIN - 680569

R1 BY SMT. HASNA MOL N.S., PUBLIC PROSECUTOR
R2 BY ADVS. SRI.R.RANJITH (MANJERI)
SMT.AISWARYA MADHU

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
11.06.2026, THE COURT ON 18.06.2026 DELIVERED THE
FOLLOWING:



'C.R.'

JUDGMENT

Dated, this the 18th day of June, 2026

This appeal has been filed by accused Nos. 1 and 2 in Crime No. 420/2026 of Valappad Police Station, Thrissur, aggrieved by dismissal of their anticipatory bail application vide order dated 22.05.2026 in B.A. No. 25/2026, by the Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 (for short, 'SC/ST (PoA) Amendment Act, 2018' hereinafter) Cases, Thrissur.

2. Heard the learned counsel appearing for the appellants, the learned counsel appearing for the defacto complainant and also the learned Public Prosecutor in detail. Perused the order under challenge and scrutinised the records produced by the learned Public Prosecutor.

3. The appellants are the first and second accused in the above said crime respectively and the offences



alleged against the appellants/accused persons are punishable under Sections 189(2), 191(2), 190, 329(3), 296(b), 351(2) and 288 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS', hereinafter) and 9(B)(1)(b) of the Indian Explosives Act, 1884 as well as under Sections 3(2) (va), 3(1)(s) of the SC/ST (PoA) Amendment Act, 2018.

4. As per the impugned order, on finding commission of offence punishable under Section 3(1)(s) of the SC/ST (PoA) Amendment Act, 2018 prima facie and on finding the bar under Section 18 of the said Act, the learned Special Judge dismissed the application for anticipatory bail.

5. The learned counsel for the appellants/accused submitted that in this case, the appellants/accused did not know the caste identity of the defacto complainant and therefore, for the said reason none of the offences under the SC/ST (PoA) Amendment Act, 2018 would attract. It is also pointed out that apart from the SC/ST (PoA) Amendment Act, 2018 offences, all other offences are



bailable.

6. It is also submitted that the occurrence is the outcome of political rivalry in between two political parties and therefore, lenient view may be taken in the matter of granting anticipatory bail.

7. In support of the arguments, the learned counsel for the appellants placed the judgment of this Court reported in [2022(6) KHC 672], **xxxx v. State of Kerala and Another**, wherein in paragraph No. 38, this Court observed as under:-

"38. Therefore, it is clear that while considering the question as to whether an accused committed offence under Section 3(2)(va) of the SC/ST Act after trial, the word "knowing" or 'knowledge', has to be found on the basis of the evidence tendered. When considering the question of prima facie case for the purpose of considering plea of bail during investigation and the period before trial, the knowledge shall be understood and inferred from the prosecution records. In this matter, the accused and de-facto complainant are very familiar to each other as could be discernible from the prosecution records and other materials. Therefore, the required knowledge of the accused that the de-facto complainant is a member of Scheduled Caste is well discernible from



the materials available as ascribed in Section 3(2)(va) of the SC/ST Act.”

Another decision of this Court in [2022 KHC 745], **Abbas R.V. v. State of Kerala**, also has been placed with reference to paragraph No.17 wherein this Court held as under:-

“17. Therefore, it is clear that while considering the question as to whether an accused committed offence under Section 3(2)(va) of the SC/ST Act after trial, the word "knowing" or knowledge, has to be found on the basis of evidence tendered. When considering the question of prima facie case for the purpose of considering plea of bail during investigation and the period before trial, the knowledge shall be understood and inferred from the prosecution records.”

The decision reported in [2024 KHC 7090], **Raju Joseph v. State of Kerala**, also has been placed with reference to paragraph No. 8, which reads as under:-

“8. S.8(c) of the SC/ST Act would show that if the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved. Thus the knowledge of the accused regarding the victim’s caste or tribal identity is a matter for which presumption under S.8(c) of the SC/ST Act would apply and the said presumption is rebuttable by



adducing evidence. Keeping the law in the above line, when the statements of CW2 and CW6 are read, here the petitioners and the victim are known to each other, being residents of Pallikkara Punnathara East Kara. In the statements, the caste of the accused, who are not members of Scheduled Caste or Scheduled Tribe community, is disclosed and the caste of the second witness as a member of Hindu Pulaya community also disclosed. Therefore, the knowledge regarding the caste identity of the second witness is a matter of presumption and the accused has the right to rebut the same. But the procedure of rebuttal should have to be exercised during trial and the standard of proof in such reverse burden, indubitably is preponderance of probability. In view of the matter, the contention raised by the learned counsel for the petitioners that the petitioners did not commit any offence punishable under S.3(2)(va) of the SC/ST Act could not be found, prima facie. The inevitable repercussion is that the ingredients to attract offences alleged by the prosecution are made out, prima facie, and in such case quashment of the case striking trial of the matter necessarily should fail.”

The decision of the Apex Court in [2019 KHC 6858], **Khuman Singh v. State of Madhya Pradesh** has been placed, wherein, it is held that when there is no evidence to show that the offence was committed only on the ground that the deceased was a member of Scheduled



Caste, offence under Section 3(2)(v) of SC/ST (PoA) Amendment Act, 2018 would not attract.

8. The learned counsel for the defacto complainant strongly opposed the bail application and submitted that the appellants/accused are nearby residents of the defacto complainant and they are known to each other and they jointly worked in same political party and the occurrence is the outcome of the joining of the defacto complainant and her family in another political party/rival party and in such a case, the caste identity of the victim is well known to the appellants/accused persons. Therefore, contention raised by the learned counsel for the appellants on the submission that caste identity of the victim was not known to the appellants cannot be taken into consideration. It is also submitted by the learned counsel for the defacto complainant that Section 18 of the SC/ST (PoA) Amendment Act, 2018, bars grant of pre-arrest bail, when offence under the SC/ST (PoA) Amendment Act, 2018 found to be committed prima facie. In the instant case,



prima facie, the offences under Sections 3(1)(s) and also 3(2)(va) of the SC/ST (PoA) Amendment Act, 2018 could be found. Therefore, the order is liable to be confirmed by dismissing the appeal.

9. The learned Public Prosecutor produced the case diary and the report of the Investigating Officer and opposed interference in the order impugned.

10. In the instant case, all the BNS offences are bailable. Since the sentence provided for the offence punishable under Section 9(B)(1)(b) of the Indian Explosives Act, 1884, as amended in the year 2014, is two years, the same is deemed to be bailable. No doubt, offence under Section 3(1)(s) of the SC/ST (PoA) Amendment Act, 2018 is not bailable and for which, the bar under Section 18 of the said Act would apply. In the instant case, the allegation stated in the statement given by the defacto complainant is that at about 7.30 p.m., on 06.05.2026, the appellants/accused Nos. 1 and 2 along with six other identifiable persons trespassed upon the



courtyard of their house and made explosion by using explosive substances carried by them. When the defacto complainant came out, on hearing the sound, the first accused, Bhageesh Pooradan, called her caste name as 'vettuva' along with an abusive word and when her husband came out, he reiterated that he would not spare either her or her husband and would not allow them to live peacefully in the locality and uttered to kill them. Seeing the occurrence, her children started crying and they find shelter inside the house by locking the door, on fearing that the appellants/accused persons might enter the house. Then they left the place after carrying out the explosion.

11. In support of the version of the defacto complainant, her husband and mother given evidence. In addition to them, two other persons also given statements. Here, the question to be considered is as to whether a prima facie offence or offences under the SC/ST (PoA) Amendment Act, 2018 is made out or not. As per



Section 3(2)(va) of the SC/ST (PoA) Amendment Act, 2018, commission of a scheduled offence would automatically attract commission of offence under Section 3(2)(va) of the SC/ST (PoA) Amendment Act, 2018.

12. Coming to the offence alleged under Section 3(1)(s) of the SC/ST (PoA) Amendment Act, 2018, is concerned, abuse of a member of SC/ST community by a non-member of the said community, within public view would attract the said offence. The prosecution allegation is that the appellants/accused Nos. 1 and 2, along with six other identifiable persons alleged to be trespassed upon the courtyard of defacto complainant's house and made explosion by using explosive substances carried by them. When the defacto complainant came out on hearing the sound, the first accused, Bhageesh Pooradan called her caste name as 'vettuva' along with another abusive word and the same was reiterated in the presence of her husband when he reached the courtyard. It is well settled that a place within public view is not akin to a public place.



Presence of public or third parties to overhear the abusive and insulting words which would cause humiliation to victim would make even private place within public view. That apart, when the accused persons are more than one and they engaged together in abusing and insulting, with intention to humiliate the victim, the presence of more than one accused persons is also akin to presence of public or third parties to overhear the insulting and intimidating remarks which would make the said place also as a place within public view. In the instant case, it appears that the parties are known to each other, who worked in the same political party for a considerable time and in such a case when the first accused called the caste name in public view, it is safe to conclude at this stage that prima facie the offence under Section 3(1)(s) of the SC/ST (PoA) Amendment Act, 2018 is made out.

13. In such view of the matter, prima facie the offences alleged under the SC/ST (PoA) Amendment Act, 2018, are made out as against the appellants. In this



case, as per the report of the Investigating Officer, the appellants/accused are persons having criminal antecedents and apart from the present crime, they got involved in other crimes and the same are as under:-

- I. Crimes registered against the first appellant/first accused:-
 1. Valappad P.S. Cr. 247/02 u/s 279, 337 IPC
 2. Valappad P.S. Cr. 114/02 u/s 143, 147, 148, 341, 323, 324, 149 IPC
 3. Valappad P.S. Cr. 213/04 u/s 341, 323 IPC
 4. Valappad P.S. Cr. 50/04 u/s 143, 147, 148, 341, 323, 324, 308, 149 IPC
 5. Valappad P.S. Cr. 556/18 u/s 143, 147, 283, 188, 149 IPC
 6. Valappad P.S. Cr. 09/19 u/s 143,147, 506(1), 427, 149 IPC
- II. Crimes registered against the second appellant/
second accused:-
 1. Vadanappally P.S. Cr. 63/02 u/s 341, 313, 324, 308, 34 IPC
 2. Vadanappally P.S. Cr. 129/03 u/s 341, 323, 34 IPC.
 3. Vadanappally P.S. Cr. 78/08 u/s 143, 147, 148, 423,447,506,149 IPC



4. Vadanappally P.S. Cr. 191/04 u/s 341, 323, 34
IPC

14. To sum up, it is held that the learned Special Judge is right in holding that the bar under Section 18 of the SC/ST (PoA) Amendment Act, 2018, would apply in the instant case, since prima facie the offence under the SC/ST (PoA) Amendment Act, 2018 are made out. Therefore, anticipatory bail is not liable to be granted, upsetting the verdict impugned.

In view of the above, the appeal stands dismissed with direction to the appellants/accused Nos. 1 and 2 to surrender before the Investigating Officer forthwith and on failure to do so, the Investigating Officer is at liberty to proceed to arrest the appellants/accused Nos. 1 and 2 as part of the investigation.

**SD/-
A. BADHARUDEEN
JUDGE**