

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Bail Appl..No.2293 of 2015

CRIME NO.253/2015 OF VELLIKULANGARA POLICE STATION,TRISSUR.

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PETITIONER'S/ACCUSED 1 TO 10:

- 1. GANGADHARAN,AGED 51 YEARS,S/O.SANKARAN,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY,THRISSUR.**
- 2. DALIYA,AGED 41 YEARS,W/O.GANGADHARAN,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY, THRISSUR.**
- 3. HARISANKAR, AGED 23 YEARS,S/O.GANGADHARAN,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY, THRISSUR.**
- 4. SASI,S/O.KAREKKADAN SANKARAN,AGED 48 YEARS,
KUTTICHIRA DESOM,KUTTICHIRA DESOM, KUTTICHIRA.P.O,
VIA.CHALAKUDY,THRISSUR.**
- 5. LALITHA,W/O.SASI, AGED 42 YEARS,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY, THRISSUR.**
- 6. SHYAM SANKER,S/O.SASI, AGED 18 YEARS,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY, THRISSUR.**
- 7. NISHAD,S/O.MOHANAN,AGED 31 YEARS
KUTTICHIRA DESOM, KUTTICHIRA.P.O
VIA CHALAKUDY, THRISSUR.**
- 8. SRUTHY,W/O.NISHAD, AGED 23 YEARS,
KUTTICHIRA DESOM, KUTTICHIRA.P.O
VIA CHALAKUDY, THRISSUR.**
- 9. BALAN.K.S,S/O.SANKARAN,AGED 64 YEARS,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY, THRISSUR.**
- 10. MITHUN,S/O.BALAN,AGED 24 YEARS,
KAREKKADAN HOUSE, KUTTICHIRA DESOM
KUTTICHIRA.P.O, VIA CHALAKUDY, THRISSUR.**

**BY ADVS.SRI.M.H.HANIL KUMAR
SMT.M.R.JAYALATHA
SRI.JAYAN KUTTICHAKKU**

...2...

Bail Appl..No.2293 of 2015

RESPONDENTS/COMPLAINANT/STATE:

1. SUB INSPECTOR OF POLICE,
VELLIKULANGARA POLICE STATION,
VELLIKULANGARA.P.O,THRISSUR DISTRICT.
2. DY.SUPT OF POLICE,CHALAKUDY,
CHALAKUDY.P.O, THRISSUR DISTRICT.
3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

***ADDITIONAL R4 IMPLEADED**

ADDL.R4:KARTHIKA,W/O.CHATHANKUTTY,
AGED 46 YEARS,PAYYAKKA (H),KUTTICHIRA P.O.,
CHALAKUDY (VIA),THRISSUR-680724.

***ADDITIONAL R4 IMPLEADED AS PER ORDER DATED 27.5.2015 IN
CRL.MA 4293/2015 IN BA 2293/2015.**

R1 TO R3 BY PUBLIC PROSECUTOR SMT.REMA.R.
ADDL.R4 BY ADVS.SRI.MURALI PURUSHOTHAMAN
SRI.DEEPU LAL MOHAN
SMT.S.LEENA
SRI.K.S.PRENJITH KUMAR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 2293 of 2015 (B)

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Dated this the 27th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No. 253 of 2015 of Vellikulangara Police Station registered for the offences under sections 143, 147, 148, 427, 447, 294(b), 506(ii) read with 149 IPC and section 3(1) (v), (X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act- 1989.

3. The allegation is that they trespassed into the property of the first informant, committed mischief, uttered obscene words, threatened to cause her death and called her caste name, she being a member of a scheduled caste.

4. Heard the learned counsel for the petitioners and the first informant and the learned Public Prosecutor.

5. The First Information Statement discloses commission of the offence under sections 3(1) (v), (X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act- 1989. Section 18 of the Act takes away the jurisdiction of this Court under section 438 Cr.P.C. So, this application is not maintainable. If the petitioners happen to be arrested, the learned Magistrate may take into consideration the merits of the case and there is no legal impediment

B.A.No. 2293 of 2015 (B)

::2::

for him to grant bail if the petitioners are entitled to it.

In the result, this application is dismissed.

DST

Sd/-
K. ABRAHAM MATHEW
JUDGE

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P.A. To Judge