

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 2428 of 2015 ()

CRIME NO. 224/2015 OF CHOTTANIKKARA POLICE STATION , ERNAKULAM

PETITIONER(S) :

1. K.K.RAJAPPAN AGED 65 YEARS
S/O.KUNJAN, KOLAKKATTUPADIYIL HOUSE
CHOTTANIKKARA P.O., KANAYANNUR DESOM
KANAYANNUR VILLAGE, KANAYANNUR TALUK, PIN-682312.

2. SMT.LEELA RAJAPPAN AGED 60 YEARS
W/O.K.K.RAJAPPAN, KOLAKKATTUPADIYIL HOUSE
CHOTTANIKKARA P.O., KANAYANNUR DESOM
KANAYANNUR VILLAGE, KANAYANNUR TALUK, PIN-682312.

BY ADV. SRI.VARGHESE P.CHACKO

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SI OF POLICE
CHOTTANIKKARA POLICE STATION, CHOTTANIKKARA P.O.
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.ABRAHAM MATHEW, J

B.A.No. 2428 of 2015

Dated this the 12th May, 2015

ORDER

The petitioners are alleged to have committed offences under Sections 294(b), 323, 326, 341 IPC read with Section 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The learned Public Prosecutor submits that in view of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the application is not maintainable.

3. Heard learned counsel for the petitioners and the learned Public Prosecutor.

4. Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act takes away the jurisdiction of this Court under Section 438 Cr.P.C. So, I am not able to entertain the application.

In the result, the bail application is dismissed. But the learned Magistrate may consider the bail application, if any, filed by the petitioners on merits.

K.ABRAHAM MATHEW
JUDGE

vgs12/5/15