

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

Bail Appl..No. 2880 of 2015 ()

**CRIME NO. 446/2015 OF CHIRAYINKEEZHU POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED NO.1:

**ANEESH, S/O.CHRISTAFER, AGED 23 YEARS,
ANEESH BHAVAN, PUTHUVAL VEEDU,
ARAYATHURUTHI, SARKKARA VILLAGE, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM.**

BY ADV. SMT.M.M.DEEPA

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

Bail Appl. No.2880 of 2015

Dated this the 1st day of June 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.446 of 2015 of Chirayinkeezhu Police station. The prosecution case is that he had sexual intercourse with the defacto complainant without her consent and against her will and he robbed her of her gold ornaments and thus committed the offences under Secs.376 and 394 of Indian Penal Code. She belongs to a scheduled caste. So it is further alleged that he has committed the offence under Sec.3(i) (xii) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act also.

3. Heard both sides.

4. Learned counsel relies on Annexure-A letter allegedly written by the first informant to the petitioner which discloses their relationship.

5. At this stage, it is not possible to ascertain the genuineness of the document. Sec.18 of the

Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act excludes the jurisdiction of this Court under Sec.438 Cr.P.C. So the petitioner is not entitled to get anticipatory bail. But the learned Magistrate may consider the merits of the case if the petitioner happens to be produced before him and he files an application for bail.

The bail application is disposed of as above.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge