

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.2934 of 2015

CRIME NO.636/2015 OF KONDOTTY POLICE STATION,MALAPPURAM.

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PETITIONER/IST ACCUSED:

**MUHAMMED,S/O.MOYUTTY HAJI,AGED 50 YEARS,
KANDAMKULAVAN HOUSE,PULIKKAL,
OLAVATTOOR,KONDOTTY,MALAPPURAM DISTRICT.**

BY ADV.\ SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
(CR.NO.636 OF 2015 OF KONDOTTY POLICE STATION).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH.

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

pk

K. ABRAHAM MATHEW, J.

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B.A. No. 2934 of 2015

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Dated this the 1st day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under sections 506(i) read with 34 of IPC and section 3(1)(x) and 3(1)(xiv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel submits that the offences under sections 3(1)(x) and 3(1)(xiv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted. If that is true, the only offence remains is the one under section 506 part I IPC. It is a bailable offence and anticipatory bail application is not maintainable. Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 bars the jurisdiction of this Court under section 438 Cr.P.C.

3. Heard.

4. In these circumstances, the petitioner may approach the learned Magistrate, who is competent to grant bail on merits, in view of the decision in 2000(3) KLT 54.

B.A. No. 2934 of 2015

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In the result, this application is dismissed with the above observations.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge