

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Bail Appl..No. 3540 of 2015 ()

CRIME NO. 552/2015 OF MANANTHAVADY POLICE STATION, WAYANADU DISTRICT

PETITIONERS/ACCUSED :

- 1. ASHARAF V., AGED 38 YEARS
S/O.MOIDU, VALAVIL HOUSE, MANANTHAVADI
WAYANADU DISTRICT.**
- 2. SUNILKUMAR K.P.
AGED 34 YEARS, S/O.CHANDRAN, KUNNAKKATTIL HOUSE
ARATTUTHARA P.O., MANANTHAVADI, WAYANADU DISTRICT.**
- 3. MANOJ PATTETTU
AGED 38 YEARS, S/O.RAMAKRISHNAN NAIR, CLUB KUNNU
MANANTHAVADI, WAYANADU DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS**

RESPONDENT/STATE/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN – 682 031.**

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 3540 of 2015

Dated this the 24th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 452, 341, 332, 294(b) read with Section 149 IPC and Sections 3 & 4 of Kerala Health Care Service Institution Prevention of Violence and Damage Property Act, 2012 and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that the first petitioner took his 13 year old daughter for treatment to District Hospital, Mananthavadi, where the first informant was working as a doctor. There was some dispute. Petitioners allegedly wrongfully restrained the doctor, uttered obscene words and caused damage to the properties of the hospital and prevented the doctor from discharging her duties. The doctor belongs to a scheduled caste.

3. Heard.

4. It appears that the allegations against the petitioners are not very serious. Admittedly, some untoward incident

happened. But, for the fact that Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 appears in the First Information Statement, I would have granted anticipatory bail. But, Section 18 bars this Court from exercising the jurisdiction under Section 438 Cr.P.C., I cannot grant it. Petitioners may approach the learned Magistrate under Section 437 of Cr.P.C. if such a situation arises. The Magistrate has ample power to grant bail, if the facts justify.

With the above observations, this application is disposed of.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge