

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Bail Appl..No. 3717 of 2015 ()

**CRIME NO. 108/2015 OF KILIMANOOR POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED 2 & 3:

- 1. DINESH, AGED 39 YEARS,S/O.THAPONAYAKAN,
SURESH BHAVAN, PAZHAYAKUNNUMEL,
ADAYAMON DESOM, THIRUVANANTHAPURAM DISTRICT.**
- 2. SHIJI,AGED 39 YEARS,S/O.DEVARAJAN,
MRG HOUSE, PAZHAYA KUNNUMEL VILLAGE,
ADAYAMON DESOM, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.PANOOP (MULAVANA)

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 3717 of 2015

Dated this the 6th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 294(b), 323, 354 IPC and Section 3(1)(XI) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that they uttered obscene words, assaulted the victim who belongs to a scheduled caste and outraged her modesty.

3. Heard.

4. Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 takes away the jurisdiction of this Court under Section 438 of Cr.P.C. So, the application cannot be entertained. But, if the petitioners happen to file an application under Section 437 Cr.P.C., the learned Magistrate may pass appropriate orders on merits taking into consideration the nature of the offences.

In the result, this application is dismissed.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

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P.A. To Judge