

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Bail Appl..No. 4375 of 2015

**CRIME NO. 975 OF 2015 OF NORTH PARAVUR POLICE STATION ,
ERNAKULAM DISTRICT**

PETITIONER(S) :

- 1. AKHIL, AGED 17 YEARS,
S/O.BOSE, PONNANCHERRY HOUSE, NORTH PARAVUR,
ERNAKULAM DISTRICT.**
- 2. SUMA BOSE, AGED 45 YEARS,
W/O.BOSE, PONNANCHERRY HOUSE, NORTH PARAVUR,
ERNAKULAM DISTRICT.**

BY ADV. SRI.T.RAJESH

RESPONDENT(S) :

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

BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. No.4375 of 2015

Dated this the 10th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.975 of 2015 of North Paravur Police station registered for the offences under Secs.323, 324, 341, 447, 354B, 506 read with Sec.34 of the Indian Penal Code and Sec.3(X)(XII) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The victim is a member of a Scheduled caste. The prosecution case is that they trespassed into her property, wrongfully restrained, threatened and assaulted her and attempted to disrobe her.

3. Heard both sides.

4. The first petitioner is a juvenile. Unless it is for his benefit, he is entitled to bail. So he may approach the Juvenile Justice Board. Moreover, Sec.18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act prohibits this court from granting

anticipatory bail. So this application cannot be allowed.

In the result, the bail application is dismissed.

The learned Magistrate may grant bail on merits if the 2nd petitioner happens to file an application under Sec.437 Cr.P.C.

Sd/-

K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge