

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Bail Appl..No. 4825 of 2015

**CRIME NO. 558/2015 OF ANCHUTHENGU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
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PETITIONER(S)/ACCUSED 1 TO 4:

1. VIJAYAKUMAR, AGED 55 YEARS,
S/O.KUNJU SANKARAN, PAINTER, SREYAS,
UDANKUZHI, PLAVIZHIKOM, NEDUNGANDA,
VETTOOR VILLAGE.
2. SARATHU VIJAYAN, AGED 23 YEARS,
S/O.KUNJU SANKARAN, SREYAS, UDANKUZHI,
PLAVIZHIKOM, NEDUNGANDA, VETTOOR VILLAGE.
3. SHYAM SHAJI @ KANNAN, AGED 25 YEARS,
MAISON, S/O.SHAJI, POOVACHAL KUNNUVEEDU,
VETTOOR VILLAGE.
4. SHYAM KUMAR, AGED 25 YEARS, MAISON,
S/O.SREEKUMAR, VAZHAKUTTOM VEEDU,
VETTOOR VILLAGE.

BY ADV. SRI.P.M.HABEEB

RESPONDENT/RESPONDENT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4825 of 2015

Dated this the 20th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.558 of 2015 of the Anchuthengu Police station registered for the offences under Secs.3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Secs.294(b), 324 and 326 of the Indian Penal Code. The prosecution case is that they assaulted the victim who belongs to a scheduled caste and called him his caste name. The victim sustained serious injuries including fracture of the bone.

3. Heard both sides.

4. Sec.18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act takes away the jurisdiction of this court under Sec.438 of the Code of Criminal Procedure. As the First Information Statement discloses commission of the offence under Sec.3(2)(x) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act also, this court cannot entertain this application.

In the result, the bail application is dismissed.

It is made clear that the learned Magistrate has the power to grant bail on merits notwithstanding the dismissal of this bail application.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge