

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl..No. 7075 of 2014 ()

CRIME NO. 30/2014 OF ERUMELI POLICE STATION, KOTTAYAM

PETITIONER/SOLE ACCUSED :

**AJITH @ PAPPAN, AGED 48 YEARS,
SREENIPURAM COLNY, KARINKALLUMUZH, ERUMELI.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/COMPLAINANT/STATE :

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

BY PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.7075 of 2014

Dated this the 6th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.30 of of 2014 of Erumely Police station registered for the offences under Secs.376 and 506(i) of the Indian Penal Code and Sec.3(1)(XI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The prosecution case is that he threatened the victim and committed rape on her.

3. Heard both sides.

4. The First Information Statement discloses commission of the offences mentioned in the FIR. So there is a prima facie case against the petitioner. But learned counsel submits that immediately after the Magistrate's recording the statement of the victim under Sec.164 of Cr.P.C., she filed a complaint against her husband alleging that the case on hand is a false one filed

at his instigation.

5. Since the First Information Statement discloses commission of the offences under Sec.3(1)(XI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act also, I cannot grant anticipatory bail in view of the bar under Sec.18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. But the learned Magistrate may take into consideration the above facts if the petitioner happens to file an application under Sec.437 Cr.P.C.

In the result, the bail application is dismissed.

If the petitioner happens to file an application under Sec.437 Cr.P.C., the learned Magistrate may dispose it of on merits taking into consideration the facts mentioned in this order.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge