

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Bail Appl.No. 8058 of 2014

CRIME NO. 1090/2014 OF KUNNAMANGALAM POLICE STATION, KOZHIKODE
.....

PETITIONER(S):

**ABDUL NASAR, AGED 45 YEARS,
S/O.ADAM, PALORAMMAL HOUSE, KIZHAKOTH P.O.,
KODUVALLY, KOZHIKODE DISTRICT, PIN - 673 583.**

**BY ADVS.SRI.ABU MATHEW
SRI.AJU MATHEW
SRI.BYJU PUTHIYADATH MEETHAL**

RESPONDENT(S):

**STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
KUNNAMANGALAM POLICE STATION,
KOZHIKODE DISTRICT, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

BY GOVERNMENT PLEADER SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

Bail Appl. No.8058 of 2014

Dated this the 26th day of May 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested by the Police on the allegation that he has committed the offences under Secs.448, 341, 323 and 324 of Indian Penal Code and Sec.3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The prosecution case is that the petitioner wrongfully restrained the victim after trespassing into her property, assaulted her with weapons and called her caste name. She belongs to a scheduled caste community.

3. Heard both sides.

4. Sec.18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act excludes the jurisdiction of this Court under Sec.438 Cr.P.C. So the application is not maintainable. But if the petitioner happens to be arrested and files an application under Sec.437 Cr.P.C., the learned Magistrate may pass orders

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on merits.

In the result, the bail application is dismissed
with the above observation.

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

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P.A. To Judge