

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl.No. 9142 of 2014

CRIME NO. 233/2013 OF VELLIKULANGARA POLICE STATION, THRISSUR
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PETITIONER(S)/ACCUSED:

**SASEENDRAN, AGED 45 YEARS,
S/O CHATHUNNY, KARANATH HOUSE, MANKUTTYPADOM,
PADY P.O., MATTATHOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680 699.**

**BY ADVS.SRI.PAUL JACOB
SRI.K.R.MURALI
SRI.PEARL K.DAVIS
SRI.I.K.RAJU
SRI.M.A.ANZAR**

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SUB INSPECTOR POLICE,
VELLIKULANGARA POLICE STATION,
VELLIKULANGARA P.O., 680 699, THRISSUR DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. DEPUTY SUPERINTENDENT OF POLICE,
CHALAKUDY, CHALAKUDY P.O., THRISSUR DISTRICT-680 307,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No.9142 of 2014

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Dated this the 7th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. According to the petitioner, he is apprehending arrest in connection with some non bailable offence in Crime No.233 of 2013 of the Vellikulangara Police Station.

3. It seems that the investigation was conducted in the said crime and a final report was filed before the Judicial First Class Magistrate's Court, Chalkkudy for the offences under Sections 447, 294(b) and 506(i) IPC, which is pending as C.C.No.1395 of 2014. Later the investigating officer filed an application stating that further investigation was required under Section 173 (8) Cr.P.C. The further investigation was commenced. It seems that a report has been filed by the investigating officer before the court below for incorporating the offences under Sections 464, 467 and 471 IPC, Section 3(i)(VIII) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 and Section 3 read with Sections 17 and 18 of the Kerala Money Lenders Act. As an offence under Section Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been incorporated, an application seeking anticipatory bail is not maintainable as per Section 18 of the said Act. At the same time, in a case in which bail has to be granted, there is no bar for the learned Magistrate to grant bail in appropriate cases even when offences under the said Act are alleged.

In the result, with the said observation this bail application is dismissed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/7/1/15

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P.A. To Judge