

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Crl.MC.No. 17 of 2015 ()

CRIME NO. 1171/2014 OF VADAKKEKAD POLICE STATION, TRISSUR

PETITIONER/ACCUSED :

**DHANESH, AGED 25 YEARS,
S/O.SOUDAMINI, VELLAKKADA HOUSE, EDAKKARA.P.O.,
EDAKKAZHIYUR VILLAGE, AVIYUR DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.**

**BY ADVS.SRI.HRITHWIK
SRI.SHAJIN S.HAMEED**

RESPONDENT/STATE:

**STATE OF KERALA
REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE,
KUNNAMKULAM, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

Crl.M.C. No.17 of 2015

Dated this the 9th day of January 2015

ORDER

The petitioner is the accused in Crime No.1171 of 2014 of Vadakkekad Police Station, Thrissur District registered for the offences punishable under Sections 341, 323 and 452 of the Indian Penal Code and Sections 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

2. According to the petitioner, an offence under the Act cannot be attributed against the petitioner. At the same time, no specific grounds are seen stated in the Crl.M.C., so as to hold that the said offence cannot be attracted.

3. According to the petitioner, he is not entitled to anticipatory bail in a case like this, in view of Section 18 of the Act, as the offence under the said Act has been alleged in the

matter. It is made clear that even though the said offences are triable only by Special Court, which is the Principal Sessions Court, the learned Magistrate who are dealing with the matter are not powerless to grant bail in appropriate cases, alleging the offences under the said Act also. If the facts reveal that the petitioner is entitled to be enlarged on bail, in that case, the learned Magistrate can grant bail in such cases. See **Ali v. State of Kerala** [2000 (2) KLT 280] and **Shanu v. State of Kerala** [2000 (3) KLT 452]. The learned Magistrate can rely on the said decisions, provided, it is a fit case wherein bail can be granted.

With the above said observations, this Crl.M.C. is disposed of.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge