

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Cr1.MC.No. 587 of 2015

CRIME NO. 10/2015 OF NEDUMKANDAM POLICE STATION, IDUKKI

PETITIONERS/ACCUSED NO. 1 & 2:

1. MOHAMMED JUNAID, AGED 26 YEARS,
S/O. MOHAMMED, KARIMBANAKKAL HOUSE,
PARATHODU VILLAGE,
IDUKKI DISTRICT.
2. TONY JAMES, AGED 26 YEARS,
S/O. JAMES, THACHETTUPARAMBIL,
KALKUNDAL VILLAGE,
NEDUMKANDAM, IDUKKI DISTRICT.

BY ADVS.SRI.S.RAJEEV

SRI.V.VINAY

SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENT/STATE:

STATE OF KERALA

REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KEALA
ERNAKULAM - 682 031 (CRIME NO. 10/2015
OF NEDUMKANDAM POLICE STATION
IDUKKI DISTRICT)

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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P.UBAID, J.

Crl.M.C No.587 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in Crime No.10/2015 of Nedumkandam Police Station, involving the offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, besides some other bailable offences under the Indian Penal Code. In view of the provision contained under Section 18 of the SC/ST (Prevention of Atrocities) Act regarding anticipatory bail, the petitioners seek a direction under Section 482 of the Code of Criminal Procedure to the learned Magistrate having jurisdiction to consider their application for bail on surrender, and to pass orders without delay. Of course, it is true that pre-arrest bail is not possible, but the learned Magistrate having jurisdiction can entertain application for regular bail and pass appropriate orders. When the petitioners surrender, and make application for bail, the learned Magistrate will have to examine the records and see whether necessary elements of the said offence are

there. Even when such elements are there, the learned Magistrate can grant bail, if such a course is possible or if there is no reason to deny bail. This position is well settled.

In the result, this Criminal Miscellaneous Case is closed with direction to the learned Judicial First Class Magistrate, Nedumkandam, that in case the petitioners make application for bail, on surrender in Crime No.10/2015 of the Nedumkandam Police Station, the same shall be judiciously considered as indicated above, and appropriate decision regarding bail shall be taken on the date of surrender itself.

**P.UBAID
JUDGE**

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