

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No.1199 of 2015

(CRIME NO.1477/2014 OF KOLLAM WEST POLICE STATION,KOLLAM).

.....

PETITIONERS:

1. JAYARAJ,AGED 38 YEARS,S/O.MADHAVAPANICKER,
BSNL QUARTERS NO.B23,THIRUMAULLAVARAM P.O.,KOLLAM.
2. JAYAN,AGED 43 YEARS,S/O.MADHAVAPANICKER,
BSNL QUARTERS NO.B23,THIRUMAULLAVARAM P.O.,KOLLAM.

**BY ADVS.SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR**

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

**THIS CRIMINAL MISC.CASE HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE 1:TRUE COPY OF THE FIR IN CRIME NO.1477/2014 DATED 25.9.2014
OF THE KOLLAM WEST POLICE STATION.**

**ANNEXURE 2:TRUE COPY OF THE COMPLAINT DATED 21.9.2014 PREFERRED BY
THE PETITIONER.**

**ANNEXURE 3:TRUE COPY OF THE RECEIPT DATED 21.9.2014 ISSUED BY THE
SUB INSPECTOR OF POLICE,WEST POLICE STATION.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

.....
Crl.M.C. No.1199 of 2015

.....
Dated this the 26th day of February, 2015.

O R D E R

Heard the learned Counsel for the petitioner.

2. The petitioners have sought for a direction to the court below to consider the application seeking bail that may be filed before that Court on the date of surrender itself.

3. The petitioners are A1 and A2 in Crime No.1477/2014 of the Kollam West Police Station registered for the offences under Sections 447, 341, 323, 354 read with Section 34 IPC and under Section 4 (1) (s) (w) (i) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance 2014.

4. In the decisions of this Court in **Shannu vs. State of Kerala 2000(3) KLT 452**, **Krishnakumar vs. State of Kerala 2005(1) KLD (Crl) 42** and **Ali vs. State of Kerala (2000(2) KLT 280)** and several other decisions, it

has been repeatedly held that the Judicial First Class Magistrate Court is not powerless in granting bail in appropriate cases relating to offences punishable under the The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Even though such offences are triable by the Sessions Court as the special court constituted under the said Act, the Magistrate's court are empowered to grant bail in appropriate cases in such offences.

This Crl.M.C is allowed and the Judicial First Class Magistrate Court – II, Kollam is directed to dispose of the application for bail that may be filed by the petitioners before the said Court on the date of surrender itself, by considering the aforesaid observations, provided advance notice is served on the Assistant Public Prosecutor in charge of the case.

B.KEMAL PASHA, J.
(Judge)

smm

