

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2429 of 2015

CRIME NO. 8/2015 OF KUMILY POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED :

1. PAL PANDY,
MELVAZHA VEEDU BHAGAM PAMPUPARA P.O., CHAKKUPALLAM,
KUMILY, IDUKKI DISTRICT.
2. SURESH,
MELVAZHA VEEDU BHAGAM PAMPUPARA P.O., CHAKKUPALLAM,
KUMILY, IDUKKI DISTRICT.
3. SARAVANAN,
MELVAZHA VEEDU, BHAGAM PAMPUPARA P.O., CHAKKUPALLAM,
KUMILY, IDUKKI DISTRICT.

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.8/2015 OF KUMILY POLICE STATION.**

**ANNEXURE II: TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.9/2015 OF KUMILY POLICE STATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl. M.C No.2429 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioners herein are the three accused in Crime No. 8 of 2015 of the Kumily Police Station registered under Sections 323, 294(b) and 354 of IPC and under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. On the apprehension of arrest and remand to judicial custody, they seek direction from this court under Section 482 Cr.P.C to the court below to consider their application for bail on surrender. Of course, the petitioners have two options. They can surrender before the Investigating Officer or even before the learned Magistrate having jurisdiction. It is true that pre-arrest bail is prohibited under Section 18 of the SC/ST Act. But on surrender or on production of application for regular bail can be considered by the learned Magistrate having jurisdiction, and appropriate orders can be passed. This is an area where there is possibility of misuse. When such an application for bail

comes, the learned Magistrate will have to peruse the entire records, and see whether this is in fact a case coming under the SC/ST Act. However, appropriate decision granting bail or disallowing bail can be taken by the learned Magistrate. In view of the apprehension, a direction can be made to the court below to consider the application for bail on the date of surrender itself.

In the result, this petition is disposed of as follows:

- a. The petitioners can surrender either before the Investigating Officer or before the learned Magistrate having jurisdiction.
- b. In case application for bail is filed by the petitioners before the learned Magistrate on surrender or on production before the learned Magistrate on arrest, the same shall be judiciously considered and decided on merits, and appropriate decision shall be taken.
- c. Application for bail shall be decided by the learned Magistrate on the date of surrender itself.

P.UBAID,
JUDGE