

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937**

**Crl.MC.No. 3034 of 2015**  
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**CRIME NO. 76/2015 OF MURIKKASSERY POLICE STATION, IDUKKI**

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**PETITIONER(S)/ACCUSED:**  
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1. BIJU, AGED 46 YEARS,  
S/O. JANARDANAN, PATTAPPARAMBIL HOUSE,  
VATHIKKUDY VILLAGE, THOPPRANKUDY, IDUKKI DISTRICT.
2. BIJU,  
S/O. GOPALAN, KANDATHINKARA HOUSE, VATHIKKUDY VILLAGE,  
THOPPRANKUDY, IDUKKI DISTRICT.

**BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRAKRISHNAN  
SRI.V.VINAY**

**RESPONDENT(S)/STATE COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY PYUBLIC PROSECUTOR ,  
HIGH COURT OF KERALA,  
ERNAKULAM - 682 031.  
(CRIME NO.76/2015 OF MURIKKASSERY POLICE STATION,  
IDUKKI DISTRICT)**

**BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
27-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**K. ABRAHAM MATHEW, J.**

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**Crl.M.C. No.3034 of 2015**  
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**Dated this the 27<sup>th</sup> day of May 2015**

**ORDER**

Petitioner is the accused in Crime No.76 of 2015 of Murikkassery Police station registered for the offences under Secs.427 and 447 of Indian Penal Code and Sec.3(i)(iv)(v) and (x) of SC/ST (Prevention of Atrocities Act). The prayer is to direct the Judicial First Class Magistrate Court, Idukki to consider and dispose of the bail application that may be filed by the petitioner on their surrender.

2. This Court cannot interfere in the discretion of the Magistrate. It is for the Magistrate to dispose of the proceedings before him on its merits.

3. Learned counsel submits that the learned Magistrate has the power to release the petitioner who is an accused of an offence under SC/ST (Prevention of Atrocities Act) on merits in view of the decision of in **Shanu Vs. State of Kerala [2000 (3) KLT 452]**. The

petitioner may submit his arguments before the learned Magistrate.

In the result, this Crl.M.C. is disposed of with the above observation.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

/ True Copy /

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P.A. To Judge