

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 3731 of 2015

CRIME NO. 699/2015 OF AMBALAMEDU POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NOS.1 AND 5:

1. **B.KAVITHA, AGED 43 YEARS,
D/O.LATE N.HARIDAS, CMC XI/1466,
PUTHEN MADOM, CHERTHALA, ALAPPUZHA.**
2. **K.V. SANTHOSHKUMAR, AGED 55 YEARS,
S/O.K.K.VELAYUDHAN, CMC XI/1466,
PUTHEN MADOM, CHERTHALA, ALAPPUZHA.**

**BY ADVS.SRI.B.PRAMOD
SMT.R.REJI (ATTINGAL)**

RESPONDENT(S):

**STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3731/2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1 : TRUE COPY OF THE COMPLAINT FILED BEFORE THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, AMBALAPPUZHA**

**ANNEXURE 2 : TRUE COPY OF THE ORDER DATED 10/4/15 IN IA.1123/15 IN OS.77/15
OF THE MUNSIFF'S COURT, ALAPPUZHA**

**ANNEXURE 3 : TRUE COPY OF THE RECEIPT DATED 01-02-15 ISSUED FROM THE
AMBALAPPUZHA POLICE STATION.**

ANNEXURE 4 : TRUE COPY OF THE ORDER DATED 8/5/14 IN BA.2219/15

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

=====

Crl. M.C. No. 3731 of 2015

Dated this the 22nd day of June, 2015

ORDER

Petition filed under section 482 Cr.P.C.

2. Petitioners are accused in Crime No. 699 of 2015 of Ambalappuzha Police Station registered for the offences under Sections 3(1)(iv) and (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sections 294(b), 323 and 447 read with Section 34 of IPC. The prayer is to direct the Magistrate concerned to release the petitioners on bail on surrender of the petitioners before him.

3. Heard.

4. High Court cannot pass an order directing the Magistrate to release an arrested person on bail. It is not proper to interfere with the discretion of the learned Magistrate. Though, this Court cannot grant anticipatory bail because of the prohibition under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the learned Magistrate is within his power to grant regular bail on surrender of the accused before him. If the facts justify granting the bail.

Learned counsel submits that there is a civil suit between parties as evidenced by Annexure-2. The Civil Court has passed an order of *status quo*. Learned Magistrate shall take notice of these facts and pass appropriate orders on bail application that may be filed before him.

In the result, this Crl.M.C. is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge