

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Crl.MC.No. 6019 of 2015

**CRIME NO. 468/2015 OF MARAYAMUTTAM POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/2ND ACCUSED:

**SUNITHA.R.
W/O.PASTOR JOHN, SALOM PRAYER HALL,
VELLAMKIDAKKANAVILA, KUTTATHIVILA, KOTTACKAL P.O.,
PALIYODE, THIRUVANANTHAPURAM.**

BY ADV. SRI.R.GOPAN

RESPONDENT(S)/COMPLAINANTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
MARAYAMUTTOM POLICE STATION,
THIRUVANANTHAPURAM-695001.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 6019 of 2015

APPENDIX

PETITIONERS' ANNEXURES

**ANNEXURE A: PHOTO COPY OF THE FIR AND FIS IN CRIME NO.468/15 DATED 20/7/15
OF MARAYAMUTTOM POLICE STATION**

**ANNEXURE B: PHOTOCOPY OF THE ORDER DATED 21/8/15 IN BA.5034/14 PASSED BY
THE HONOURABLE COURT.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

=====
Crl.M.C. No. 6019 of 2015

=====
Dated this the 8th day of September, 2015

O R D E R

This Court has repeatedly held that even though the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, have to be tried by a Special Court, which is the Court of Session, the Judicial First Class Magistrate's Courts are not powerless to grant bail in appropriate cases involving offences under the said Act. See **Shanu v. State of Kerala** [2000 (3) KLT 452] and **Ali v. State of Kerala** [2000 (2) KLT 280].

2. On going through the facts and circumstances of the case, this Court is of the view that this is a fit case where the learned Magistrate can be directed to consider and dispose of the application, seeking bail, that may be filed by the petitioner before the court

below, on the date of filing itself, based on the dictum laid down by this Court in the decisions noted supra, provided, advance notice is served on the concerned learned Assistant Public Prosecutor.

This Crl.M.C is disposed of.

Sd/
B.KEMAL PASHA, JUDGE

stu