IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

THURSDAY, THE 19TH DAY OF NOVEMBER 2020 / 28TH KARTHIKA, 1942

CRL.A.No.729 OF 2020

AGAINST THE ORDER/JUDGMENT IN CRMC 649/2020 DATED 10-07-2020 OF DISTRICT COURT & SESSIONS COURT,KOZHIKODE

CRIME NO.20/2018 OF KOORANCHUNDU POLICE STATION, KOZHIKODE

APPELLANT/ACCUSED:

MUHAMMED SHIYAS, AGED 21 YEARS,
S/O. ASHRAF, PALLIPARAMBIL HOUSE, THIKKODI P.O,
KOYILANDY, KOZHIKODE

BY ADVS.
SRI.N.C.RAJESH
SMT.S.REKHA KUMARI
SMT.HARITHA JAYAN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 THE STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

2 THE STATION HOUSE OFFICER,
KOORACHUNDA POLICE STATION, KOZHIKODE DISTRICT.

ADDTIONAL R3 IMPLEADED:

ADDL. R3 ANU K.DAMODARAN
PULIYAKKANDY HOUSE HOUSE, ONHIL, KOORACHUNDU,
KOZHIKODE RURAL, KOZHIKODE DISTRICT-673527.

IMPEADED AS THIRD RESPONDENT AS PER ORDER DATED 12/10/2020 IN CRL.MA NO.1/2020.

R1-2 BY SMT.AMBIKA DEVI S, SPL.GP ATROCITIES AGAINST WOMEN AND CHILDREN AND WELFARE OF W AND C
R1-2 BY GOVERNMENT PLEADER

PUBLIC PROSECUTOR.SRI.E.C.BINEESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 19.11.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anticipatory bail sought by the petitioner/accused was rejected presumably in view of the bar under Section 18A of SC/ST(Prevention of Atrocities) Act. The offence alleged are Sections 341, 323, 376 of IPC and Section 3(1)(w) and 3(2)(v) of SC/ST (POA) Act. Admittedly, the victim is a woman belonged to scheduled caste. Hence the bar under Section 18 A of the SC/ST (POA) Act would come into play, unless prima facie it appears that no offence under the said Act would stand attracted. The age difference between the accused and the victim cannot by itself a sufficient reason to bring the matter outside the purview of the Act. Appeal fails, dismissed.

Sd/-

P.SOMARAJAN

JUDGE

msp

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**TRUE COPY OF THE FIR IN CRIME NO. 19/2018 OF KOORANCHUND POLICE STATION.**

//TRUE COPY//

P.A. TO JUDGE