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

**PRESENT**

**THE HONOURABLE MR.JUSTICE K. BABU**

**WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946**

**CRL.A NO. 1042 OF 2024**

**CRIME NO.433/2023 OF Mangalam Dam Police Station, Palakkad**

**AGAINST THE ORDER/JUDGMENT DATED 03.06.2024 IN CMP NO.711 OF 2024 OF SPECIAL COURT-TRIAL OF OFFENCE UNDER SC/ST(POA)ACT1989, MANNARKKAD**

**APPELLANT/S:**

**MUHAMMED RAFEEQUE.S**
**AGED 27 YEARS**
**S/O.SARAFUDHEEN, ELAMKAVU, KIZHAKKENCHERRY.P.O, ALATHUR, PALAKAKD, PIN - 678684**
**BY ADV V.A.JOHNSON (VARIKKAPPALLIL)**

**RESPONDENT/S:**

1. **STATE OF KERALA**
   **REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031**
2. **RAJI**
   **AGED 38 YEARS**
   **W/O.KRISHNANKUTTY, KALATHIL VEEDU, KALAVAPPADAM,MOLLAMKODE, ALATHUR, PALAKKAD, PIN – 678683**
   **BY PUBLIC PROSECUTOR SRI G SUDHEER**

**THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.BABU, J**

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**Crl.A No.1042 of 2024**

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**Dated this the 31st day of July, 2024**

**JUDGMENT**

This is an appeal filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act' for short). The challenge in this appeal is to the order dated 03.06.2024 in C.M.P.No.711of 2024 passed by the Special Court for the trial of the offences under the Scheduled Castes and the Scheduled Tribes (POA) Act Cases, Mannarkkad.

2. The appellant is accused No.2 in Crime No.433 of 2023 of Mangalam Dam Police Station. He is alleged to have committed offences punishable under Section 306 IPC and Section 3(2)(v) of the Act.

The prosecution case:-

3. The appellant is not a member of the Scheduled Caste or Scheduled Tribe. The victim is a member of a Scheduled Caste. She committed suicide on 19.09.2023.

A suicide note was recovered by the Police wherein it is alleged that the appellant and accused No.1 abettted the commission of the suicide. It is alleged that the appellant and the other accused committed the offence knowing that the deceased was a member of a Scheduled Caste.

4. Though notice was served on the husband of the deceased, he did not turn up. I have heard the learned counsel for the appellant and the learned Public Prosecutor.

5. The learned counsel for the appellant submitted that the prosecution failed to produce materials to prima facie establish the involvement of the appellant in the crime.

6. The learned Public Prosecutor opposed the bail plea on the ground that it is barred by Section 18 of the Act.

7. I have gone through the materials placed before the Court. The prosecution materials prima facie reveal

the offences under the Act. Therefore, the bail plea of the appellant is barred under Section 18 of the Act. Therefore, the prayer for anticipatory bail is rejected. The order dated 03.06.2024 in C.M.P.No.711of 2024 passed by the Special Court for the trial of the offences under the Scheduled Castes and the Scheduled Tribes (POA) Act Cases, Mannarkkad stands confirmed.

8. It is legally permissible for this Court to direct the accused to surrender before the Jurisdictional Court while rejecting a prayer for anticipatory bail {See: ***Nathu Singh v. State of Uttar Pradesh*** (MANU/SC/0360/2021) : [2021 (3) KLT Online 1113 (SC)] and ***Rahul v. State of Kerala*** [ILR 2021 (4) Kerala 64)]}.

9. The appellant is directed to surrender before the jurisdictional Court within one week from this date. On his surrender before the jurisdictional Court, if the appellant prefers an application seeking regular bail, the

Court shall dispose of the same preferably on the same day itself.

10. The appellant is at liberty to serve a copy of the application seeking bail in advance to the Public Prosecutor and the counsel who appeared for the husband of the deceased. On receipt of the copy of the bail application in advance, the learned Public Prosecutor shall see that notice is served on the husband of the deceased before the bail application is heard.

The Crl.Appeal stands dismissed.

**Sd/-**
**K.BABU JUDGE**

kkj