
(2020) 11 KL CK 0236
In the High Court Of Kerala
Case No : Bail Application No. 6954 Of 2020

Anjana And Anr	Vs	APPELLANT
State Of Kerala And Ors		RESPONDENT

Date of Decision : 02-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 294(b), 384, 419, 420, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 14A

Citation : (2020) 11 KL CK 0236

Hon'ble Judges : P.V. Kunhikrishnan, J

Bench : Single Bench

Advocate : Mathew John, Renjith. T.R.

Final Decision : Disposed Of

Judgement

1. This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. Petitioners are the accused in Crime No.738 of 2020 of Mankara Police Station. The case is registered against the petitioners alleging offences

punishable under Sections 419, 420, 384, 294 (b), 506 r/w Section 34 IPC. The offence under Sections 3 (1) (r), 3 (1) (s) of the Scheduled Caste and

Scheduled Tribe (Prevention of Atrocities) Act is also alleged. It is now a settled position that if an accused is able to show that prima facie the

offence under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, is not attracted, he can file an application under

Section 438 Cr.P.C. Moreover in Sharon A.S. and others Vs. State of Kerala (2018 KHC 663), a Division Bench of this court observed that, if a bail

application under Section 438 Cr.P.C is dismissed by a Special Court, an appeal is

maintainable before this Court under Section 14A of the said Act.

In such circumstances, this Bail Application is disposed of, with the following directions.

- (i) The arrest of the petitioners in connection with Crime No.738/2020 of Mankara Police Station, is deferred for a period of ten days from today.
- (ii) The petitioner can approach the Special Court with an application under Section 438 Cr.P.C if he is so advised.