

M.Basheer Vs. State of Kerala

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Court : Kerala

Decided On : Jan-02-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : M.Basheer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 2ND DAY OF JANUARY 2013 12TH POUSHA 193 Bail Appl..No. 9574 of 2012 () ----- CMP.4898/2012 of J.M.F.C.-II,TRIVANDRUM IN CRIME NO.1331/2012 OF KANJAAR POLICE STATION ACCUSED(S)/1 TO 2 ACCUSED:-: ----- 1. M.BASHEER,, AGED 5 YEARS S/O.MUHAMMED KASSIM, VARUVILLA HOUSE CHERUKUZH P.O., CHERUKUZH KARA, AZHOOR VILLAGE TRIVANDRUM.

2. JAYAKUMAR, AGED 4 YEARS, S/O.RAGHAVAN, LATHA BHAVAN, POOJAPPURA, THIRUMALAKARA THIRUMALA VILLAGE, TRIVANDRUM. BY ADVS.M.R.SARIN PANICKER M.R SASITH PANICKER COMPLAINANT(S): ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682031 2. THE SUB INSPECTOR OF POLICE, KANJAAR POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM -

682031. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: dS P. BHAVADASAN, J.

----- B.A. No. 9574 of 2012 ----- Dated this the 2nd day of January, 2013

ORDER

Petitioners are accused 1 and 2 in Crime No.1331/2012 for having committed offences punishable under Sections 406, 420, 465, 468, 471, 120 B and 34 IPC and Sec.3(5) of SC & ST Prevention of Atrocities Act 1989. Since the petitioners are alleged to have committed offences under Sec.3(5) of SC & ST Prevention of Atrocities Act, going by Sec.18 of the said Act, the question of exercising extraordinary jurisdiction under Section 438 of the Code of Criminal Procedure does not arise for consideration. Petition is only to be dismissed. I do so. However, if so, advised, the petitioners may surrender before the investigating officer on or before 10/1/2013, who after interrogation, shall produce the petitioner before the JFCM concerned, on which the application for bail being moved by the petitioner may dispose it of in accordance with law in view of the decisions including in Shanu v. State of Kerala [2000 (3) KLT 452.P. BHAVADASAN, JUDGE. Sci.

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