

**Devadas vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1504230](https://sooperkanoon.com/1504230)

**Court :** Kerala

**Decided On :** Jul-29-2022

**Judge :** Honourable Mrs. Justice Mary Joseph

**Appeal No. :** CRL.A/770/2022

**Appellant :** Devadas

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH  
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 CRL.A  
NO. 770 OF 2022 CRMP 2073/2022 OF I ADDITIONAL SESSIONS  
COURT, THRISSUR APPELLANT/PETITIONER DEVADAS, AGED 57  
YEARS SON OF KONNEN THOTTUMPURATH HOUSE, KAVEED.  
POOKKOD, GURUVAYOOR, THRISSUR, PIN - 673576 BY ADVS.  
K.R.ARUN KRISHNAN DEEPA K.RADHAKRISHNAN JISSMON A  
KURIAKOSE RESPONDENTS/STATE & DE FACTO COMPLAINANT

1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR HIGH COURT  
OF KERALA, ERNAKULAM DISTRICT, PIN - 682031 2 USHA, AGED  
45, W/O UNNIKRISHNAN, KARAYOOR DESOM, POOKKOD

VILLAGE, GURUVAYOOR, THRISSUR DISTRICT, PIN - 673576  
OTHER PRESENT: SRI.RENJITH GEORGE-SR.PP THIS CRIMINAL  
APPEAL HAVING COME UP FOR ADMISSION ON 29.07.2022, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

Dated this the 29th day of July, 2022 This appeal is filed challenging an order passed by Court of

Sessions, Thrissur in Cr.M.P.2073/2022. The appellant is the sole accused in Crime No.457/2022 of Guruvayoor police station. Cr.M.P.2073/2022 was filed by him seeking for pre-arrest bail in the above crime which was registered for offences punishable under Sections 294(b) and 506 of the Indian Penal Code (for short the IPC) and Sections 3(1)(r), 3(1) (s), 3(2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short SC/ST (POA) Act). The Court below has dismissed the bail application in view of the bar contained in Section 18 of the SC/ST (POA) Act, against exercise of jurisdiction under Section 438 of Cr.P.C. According to the learned counsel, the case is a falsely foisted one and there is no basis for the allegations.

2. This Court has gone through the FIS and found that it incorporate allegations to prima facie attract the offences. When

offences under the SC/ST (POA) Act are prima facie attracted, Special Court is barred from exercising jurisdiction under Section 18 of SC/ST (POA) Act. The court below has correctly observed so and declined to grant pre-arrest bail. This Court has no different view. Appeal fails and is dismissed. The petitioner shall surrender before the Court below and apply for regular bail.

Sd/- MARY JOSEPH JUDGE MrCs.

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