

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 06TH DAY OF MAY 2020 / 16TH VAISAKHA, 1942

B.A.NO.907 OF 2020

(Crime no 85/2020 of Yerroor Police Station, Kollam District)

Petitioners / Accused 1 to 3

- 1.** Sivanandan, aged 59 years, S/O Chellappan asari, Nettayom, Yerroor Villahe, Punalur Taluk, Kollam District.
- 2.** Akhil, aged 24 years, S/O Sivanandan, Nettayom, Yerroor Villahe, Punalur Taluk, Kollam District.
- 3.** Nikhil, aged 23 years, S/O Sivanandan, Nettayom, Yerroor Villahe, Punalur Taluk, Kollam District.

BY ADV.SRI.P.ANOOP MULAVANA

Respondent

State of Kerala, represented by  
Public Prosecutor, High Court of Kerala.

**BY P.P.SRIAJITH MURALI & SANTHOSH PETER(SR)**

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON  
06.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

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B.A. No.907 of 2020  
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Dated this the 6<sup>th</sup> day of May, 2020

**O R D E R**

This Bail Application filed under Section 438 of Criminal Procedure Code (Cr.P.C) was heard through Video Conference.

2. petitioners are the accused Nos.1 to 3 in Crime No.85 of 2020 of Yerroor Police Station registered alleging offences punishable under Sections 341, 323 and 354 read with Section 34 of the Indian Penal Code.

3. Now, the learned Public Prosecutor submitted that the offences under Sections 3(1)(s) and 3(1)(v)(a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is added.

4. Since the prosecution already added the offence under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, I am not in a position to consider this bail application under Section 438 of the Cr.P.C. There is a bar in the said Act entertaining an application under Section 438 Cr.P.C. Therefore, this bail application is dismissed.

**P.V.KUNHIKRISHNAN, JUDGE,**