

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
Wednesday, the 24<sup>th</sup> day of August 2022 / 2nd Bhadra, 1944**

**CRL.M.APPL.NO.1/2022 & CRL.A NO. 874 OF 2022**

**CRL.MP NO.778/2022 IN SC NO.265/2018 OF THE SPECIAL COURT FOR SC/ST(POA) ACT,  
MANNARKKAD.**

**PETITIONER/APPELLANT/ACCUSED**

1. MARAKKAR, AGED 37 YEARS, S/O UNNEEN, KILAYIL (H), MUKKALI P.O., KALLAMALA, PALAKKAD - 678582
2. RADHAKRISHNAN, AGED 38 YEARS, S/O BALAN, TAZHUSSERY (H), MUKKALI P.O, KALLAMALA, PALAKKAD- 678582

**RESPONDENTS/RESPONDENTS/STATE/VICTIM**

1. STATE OF KERALA REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031. (CRIME NO 87 OF 2018 OF AGALI POLICE STATION, PALAKKAD)
2. MALLI , W/O MALLAN, CHINDAKI, PAZHAYAOORU, MUKKALI P.O., KALLAMALA, PALAKKAD- 678582

Application praying that in the circumstances stated therein the High Court be pleased to stay the operation of the Judgment dated 20.08.2022 in CrI MP No.778/2022 in SC No.265/2018 on the file of Special Court of SC/ST (POA) Act, Mannarkkad till the disposal of this Criminal Appeal by allowing this petition in the interest of justice.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S S.RAJEEV, V.VINAY, M.S.ANEER, SARATH K.P., PRERITH PHILIP JOSEPH, ANILKUMAR C.R Advocates for the petitioners and of THE DGP AND THE PUBLIC PROSECUTOR for R1, the court passed the following:

P.T.0

**DR.KAUSER EDAPPAGATH, J.**

**Crl.Appeal No.874 of 2022 &  
Crl.M.Appln.No.1 of 2022**

**Dated this the 24<sup>th</sup> day of August, 2022**

**ORDER**

Crl.Appeal No.874/2022

Admit. Learned Prosecutor takes notice for the 1<sup>st</sup> respondent.  
Issue notice to the 2<sup>nd</sup> respondent through the concerned SHO.

Call for the records relating to Crl.M.P.No.778/2022 urgently. Post  
on 29.8.2022 for hearing.

Crl.M.Appln.No.1 of 2022

Heard both sides.

2. The learned counsel for the petitioners, Sri.S.Rajeev has  
challenged the jurisdiction of the court below to entertain and pass the  
impugned order on the ground that the bail was granted by this Court  
under the exercise of the appellate jurisdiction.

3. Per contra, the learned DGP Sri.T.A.Shaji submits that the  
trial court has every right to cancel the bail if conditions are violated  
even if the bail order was passed by this Court. The learned DGP  
further submits that the said objection has already been considered in  
detail by the court below.

4. At any rate, the said legal point along with the merits of the  
case are to be heard in detail.

Hence, the impugned order shall stand stayed till 29.8.2022.

Sd/-

**DR.KAUSER EDAPPAGATH,  
JUDGE**

skj