

**IN THE SPECIAL COURT FOR SC/ST (POA) ACT &
NDPS ACT CASES, MANJERI**

Present:-Sri. M.P.Jayaraj Special Judge.

Friday, the 29th day of July, 2022
7th day of Sravana, 1944

CRIMINAL MISCELLANEOUS PETITION No. 1039/2022.

(Crime No. 458/2022 of Nilambur.P.S)

Between:-

Yashik.K, 37 years, S/o Najeeb, Kinattingal House,
Chandakkunnu.P.O, Nilambur amsom,
Malappuram.Dt.

: Petitioner
Accused 2

Adv. K.C.Naseem

And:-

Nilambur Police,

Respondent

This petition having been heard, the court on this day passed the following.

ORDER

1. Petition for bail u/s 439 Cr.P.C..
2. Petitioner is A2 in crime No.458/2022 of Nilambur Police station. The offences alleged against him are punishable u/s 341 and 323 r/w 34 IPC and section 3(1)(s) and 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The allegation is that on 20.07.2022 between 4 PM and 6.30 PM at Mambad amsom, due to the enmity for the reason that defacto complainant questioned as to the manner of overtaking of bike by the bus, the accused, who are crew of the bus, abused the defacto complainant by calling him by his caste name, dragged him from the bike. beat him with hand and caused simple hurt. It is alleged that accused do not belong the scheduled caste or scheduled tribe and the defacto complainant belongs to scheduled caste. Petitioner was arrested on 23-7-2022 and he was granted interim bail on that day. Notice was issued tot the defacto complainant/victim.
3. Notice given to Public Prosecutor. Defacto complainant/victim has not appeared on notice.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that petitioner is innocent and he is entitled to bail. He further submitted that petitioner had no previous acquaintance with the defacto complainant and he was not aware of the caste of the defacto complainant.

6. The date of incident is 22-7-2022 and major part of investigation is over. The detention of petitioner in judicial custody is not required for investigation. Considering the facts and circumstances of this case, petitioner can be granted bail subject to conditions.

In the result, petitioner is granted bail on the following conditions:

1. Petitioner shall execute bond for ₹50,000/- (Rupees Fifty thousand only) with 2 solvent sureties each for the like sum.
2. Petitioner shall report before Investigating officer on every Monday between 10 AM and 11 AM. for 2 months or till the final report is filed whichever is earlier.
3. Petitioner shall not interfere with investigation, influence or intimidate witnesses.
4. Petitioner shall not involve in any offence while on bail.
5. Petitioner shall surrender his passport. If he has no passport, he shall file affidavit to that effect.

Pronounced by me in open court this the 29th day of July, 2022.

Sd/-
Special Judge.

Typed by: Solly

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Fair/ Copy of Order in CrI. M.P. No. 1039/2022
in Cr. No. 458/2022 of Nilambur.P.S.
Dated: 29-07-2022
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