

**IN THE COURT OF THE SPECIAL JUDGE, SPECIAL COURT FOR SC/ST
(POA) ACT CASES, THRISSUR**

Present:

Sri.K.Kamanees, Special Judge

Tuesday, 29th day of April, 2025/ 9th Vaisagha, 1947

Crl.MP No - 586/2025

(Crime No. 405/2025 of Pazhayannur Police Station)

Petitioner

Vipindas V, aged 41 years, S/o. Shanmughadas, Valiyaparambil House, Mayannur Desom, Mayannur Village, Thrissur.

By Advs. V R Jyothish and V K Sathyajith.

Respondent

State of Kerala, represented by Assistant Commissioner of Police, Kunnankulam.

Represented by Special Public Prosecutor Adv.A.K.Krishnan.

This petition having been heard on 29.04.2025 and on the same day the court passed the following:-

ORDER

1. This is an application for grant of bail filed under Section 480 Bhartiya Nagrik Suraksha Sanhita put in by the accused Vipin Das V.
2. The case of the prosecution is that when Right Vision, a localite youtube channel posted a news pertaining to Hon'ble Minister K Radhakrishnan, Minister for Scheduled Caste/ Scheduled Tribe Welfare Department as well Devaswom besides Parliamentary matters, and the accused person posted a comment down the news

item upload by such channel using offending words “2023 ല് പൂരം വെടിക്കെട്ട് മുടക്കാൻ കാണിച്ച ആ മനസ്സ് ആരും കാണാതെ പോയില്ല ചെറുമന് ഇനി ഡൽഹിയില് പോയി സുഖമായി ഉറങ്ങാം ഇപ്പോള് ചുരുങ്ങിയത് 100 കോടി എങ്കിലും ആസ്തി കാണം”.

The prosecution alleges that the accused person had been knowledgeable about the caste status of the Hon’ble Minister who belonged to Cheruman community of the Scheduled Caste, more so because the Minister had been a public personality elected from the constituency. The case was registered based on a complaint filed by V K Thankappan. As the offence had been treated as an offence against the member of Scheduled Caste, revealing offence under the Special Act, the Assistant Police Commissioner, as per order of the District Police Chief, commenced investigation in the matter.

3. The accused had set out for the Middle East against whom a LOC was promulgated by the investigation agency. When the accused on 21.04.2025 landed at Nedumbassery Airport he was detained there and was brought to the Detection Centre, Thrissur. The man was taken to the Police station on 22.04.2025 and was arrested on 22.04.2025 at 10.30 hours. As the mobile phone used for posting the obnoxious comment has been destroyed, an offence under Section 201 IPC was also added. As such, allegations of the prosecution is that the accused person had been promoting enmity between sects of citizens and further point out humiliating the Minister, now a Hon’ble member of the Parliament, with an obnoxious comment he posted on the social media open to all and sundry. Therefore the offences are alleged under Section 153 IPC, 120(o) KP Act as well as Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
4. The accused was arrested and produced before me and was remanded to the District Jail on 22.04.2025. He filed an application for grant of bail. As it was revealed that the real victim is a member of Parliament, the Police was directed to serve notice on him observing due protocol. A notice was also issued to the

complainant who appeared before the Court and filed a statement that he had a word with the Hon'ble member who allegedly said that he has no complaints in granting bail to the accused. However, he also states that he is not in the way of the grant of the bail to the accused. It was reported that the Hon'ble member was served with a request by the Police. There is an endorsement to the effect that hon'ble member has received the notice. He has elected not to appear.

5. In the bail application that has been filed it is stated that there is no intention obvious to promote enmity or hatred between different sects of society. He also states that the accused is innocent and there are no other cases registered / pending against him in any Court.
6. However, the prosecution filed a report objecting to the grant of bail. Pointing that the words itself reveal that there had been an intention to promote feelings of ill will and hatred towards the members of community to which hon'ble member belongs, and other sects. There is also the allegation that the mobile phone used for posting the unwanted comment had been destroyed. The mobile phone had been inspected with the aid of the cyber cell Police Officer and Youtube handle was present there. The E-mail Id as well as IP address of the connection have to be obtained. The mobile phone found in possession of the accused had been confiscated. From the ID vipinmayannur5049 the comment has been posted and subsequently from the URL <https://youtu.be/gFHKo7txl1M>, and the comment has been subsequently deleted. The prosecution has stated that there is every evidence to show that the comment had been posted from the mobile phone then in possession of the accused. If bail is granted to the accused, there will be utter disregard for the legal provisions to protect the marginalised sects. For these reasons the grant of bail is objected to.
7. The learned Public Prosecutor also stood by the stand of the Investigating Officer.
8. However, the stand taken by the honourable member of the parliament in not

opting to object to the grant of bail, in the given conditions of the case, have to be taken due regard of. Added to that, the complainant's stand is also worthwhile to note. The gravity of the offence is very high and reflects more unrefined state of mind in having the audacity to address a Hon'ble Minister of State of Kerala by his caste name and in public view.

9. The prosecution records reveal that the digital evidence that has been collected from the accused is due for examination. As it seems, there are no materials to show that he had been non-cooperative to the investigation team in any way.
10. He has undergoing custody for 7 days right now. Even if bail is granted, despite the stand of the honourable member, the bail can be only on very strict conditions including surrender of the Passport. With the nature of the investigation, the presence of the accused and his availability for further interrogation are very material.
11. Hence, the bail is granted to the accused on the following conditions:-
 1. The accused person shall execute a bond of Rs.1,00,000/- with two solvent sureties each for the like sum.
 2. One of the sureties shall be a near relative and any of the sureties should be ready to furnish his/ her original title deed before the court which shall be received here.
 3. The accused person shall surrender the passport before the Court (He has already surrendered the same to Police and it has been produced here.)
 4. The accused person shall report to the Investigating Officer Assistant Commissioner of Police Kunnankulam on every Monday and Thursday at a time between 3 p.m to 5 p.m for a period of one year from today.
 5. The accused shall not maintain any contact with any of the witnesses - physically or through agents or electronically.

6. He shall also make himself available for due interrogation without any excuses whatsoever.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 29th day of April, 2025).

Sd/-
K.KAMANEES,
Special Judge

Appendix : Nil

Sd/-
SPECIAL JUDGE

//True Copy//

By Order

Sheristadar

Copied by :AN
Compared by:PS

Copy to : Assistant Commissioner of Police, Kunnamkulam.

Order in CrI.M.P.No.586/2025,
Dated: 29.04.2025