

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Bail Appl..No. 7770 of 2015

CRIME NO. 847/2015 OF KARIPUR POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED:

**HAMZA MANGAT, AGED 42 YEARS,
S/O.HASSAN, MANGAT HOUSE, AYANIKKAD,
NIRAVIL P.O., KONDOTTY, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
KARIPPUR POLICE STATION, MALAPPURAM DISTRICT,
PIN-673647.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.7770 of 2015

Dated this the 11th day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.847 of 2015 of Karippur Police Station registered for offences punishable under Sections 341 and 323 I.P.C and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'SC/ST (P.A) Act').

3. Prosecution case, in short, is that on 10-11-2015 at about 10.00 p.m., the petitioner wrongfully restrained the defacto complainant and assaulted him. He abused the defacto complainant. Further, the petitioner called the caste name of the defacto complainant, who is a member of Scheduled Caste community.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that offence under Section 3(1)(x) of the SC/ST (P.A) Act is not attracted. Considering the materials in the case diary, following directions are

made :

Petitioner shall surrender before the learned Magistrate having jurisdiction in two weeks and move for regular bail. In that event, the learned Magistrate shall consider the bail application on the date of surrender itself based on the principles laid down in *Shanu v. State of Kerala (2000(3) K.L.T 452)*. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-
A .HARIPRASAD
JUDGE

//True copy//

amk

P.A to Judge