

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE GOPINATH P.
Monday, the 23rd day of May 2022 / 2nd Jyaishta, 1944

BAIL APPL. NO. 3971 OF 2022

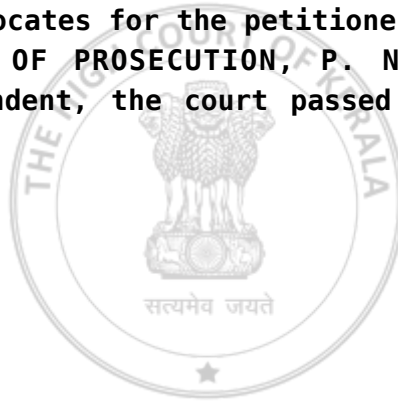
CRIME NO.487/2022 OF Palarivattom Police Station, Ernakulam
PETITIONER/ACCUSED:

P C GEORGE, AGED 72 YEARS, PLATHOTTAM HOUSE, ARUVITHARA KARA
ERATTUPETA VILLAGE, KOTTAYAM DISTRICT, PIN - 686122

RESPONDENT:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031

This Bail application coming on for orders upon perusing the petition and upon hearing the arguments of M/s P.VIJAYA BHANU (SR.), P.M.RAFIQ, AJEESH K.SASI, M.REVIKRISHNAN, SRUTHY K.K, GEO PAUL, RAHUL SUNIL, SRUTHY N. BHAT Advocates for the petitioner and of SRI. T. A. SHAJI (SR), DIRECTOR GENERAL OF PROSECUTION, P. NARAYANAN, ADDL. PUBLIC PROSECUTOR for the respondent, the court passed the following:



GOPINATH P., J.

B.A. No. 3971 OF 2022

DATED THIS THE 23rd DAY OF MAY, 2022

ORDER

Heard Sri. P. Vijayabhanu, Senior Advocate instructed by Sri. Geo Paul for the petitioner and Sri. T.A. Shaji, Senior Advocate and Director General of Prosecution instructed by Sri. P. Narayanan, learned Additional Public Prosecutor and Senior Government Pleader appearing for the State.

2. The learned Senior Counsel appearing for the petitioner would submit that by taking bits and pieces of a speech allegedly made by the petitioner at a function in a temple, the petitioner has been accused of having committed offences under Sections 153A and 295A of the Indian Penal Code. It is submitted that both these offences are punishable with imprisonment which may extend to 3 years or with a fine. It is submitted that the petitioner was a member of the Kerala Legislative Assembly for nearly 33 years, he is not likely to flee from justice. It is submitted that the custody of the petitioner is not required by the prosecution for an investigation into a crime registered alleging commission of the aforesaid offences. It is submitted that the petitioner is a 72-year-old man suffering from various age-related illnesses and he will be put under great prejudice if he is taken into custody.

3. The learned Director General of Prosecution vehemently opposes the grant of any interim relief to the petitioner. Primarily it is pointed out that in respect of another case registered against the petitioner for identical offences (Crime No.677/2022 of Fort Police Station, Thiruvananthapuram) the Judicial

First Class Magistrate Court-XII, Thiruvananthapuram had granted bail to the petitioner specifically through order in CMP No.340/2022 on the following condition (amongst others) :-

"The accused is directed not to make and propagate controversy statement which may hurt the religious sentiments of others while on bail."

It is submitted that a person who violated, with impunity, the condition upon which he was granted bail earlier in an identical case registered against him at Thiruvananthapuram is not entitled to the discretionary relief of anticipatory bail from this court. It is submitted that the State has a serious objection to any interim relief being granted to the petitioner.

4. Having considered the submissions and at this stage, I am of the view that the petitioner can be granted interim bail subject to conditions. Sri. P. Narayanan is requested to obtain instructions on the matter. List for consideration on 26-05-2022. The petitioner shall if arrested in connection with Crime No. 487/2022 of Palarivattom Police Station be released on bail subject to the following conditions: -

- (i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer;
- (ii) The Petitioner shall report before the Investigating officer in Crime No.487/2022 of Palarivattom Police Station as and when called upon to do so;

- (iii) The petitioner shall not attempt to interfere with the investigation or influence or intimidate any witness in Crime No.487/2022 of Palarivattom Police Station, Ernakulam;
- (iv) The petitioner shall not make any public statement till 26-05-2022.

5. The learned Director General of Prosecution submits that since there is a violation of the conditions upon which the petitioner was granted bail by the learned Magistrate in the earlier case registered against him, the State has moved that Court for cancellation of the bail granted in that case. He submits it may be clarified that the grant of interim bail to the petitioner shall not, in any manner, affect the right of the State to seek the cancellation of bail in that case. I think this is a reasonable request by the State and therefore it is clarified that the grant of interim bail to the petitioner, in this case, shall not in any manner affect the consideration of any application filed by the State before the jurisdictional Court for cancellation of bail granted in CMP No.340/2022 in Crime No.677/2022 of Fort Police Station, Thiruvananthapuram. Any application filed by the State shall be considered untrammelled by any observation in this order.

This order shall be in force till 26-05-2022.

Sd/-
GOPINATH P.
JUDGE

AMG