

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 22ND DAY OF SEPTEMBER 2020 / 31ST BHADRA, 1942

Bail Appl..No.3334 OF 2020

CRIME NO.582/2020 OF Ernakulam Central Police Station ,
Ernakulam

PETITIONER/ACCUSED:

ANIL KUMAR A. V.
AGED 44 YEARS
S/O. AYYAPPAN, VELIYATH HOUSE, NEAR POOWASSERIKKAVU
TEMPLE, MURIYAD P. O., IRINJALAKUDA, THRISSUR -
680683.

BY ADVS.
SRI.D.JAYAKRISHNAN
SRI.RAGHUL SUDHEESH

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682 031.
- 2 S. I. OF POLICE
ERNAKULAM CENTRAL POLICE STATION, PIN - 682031.

OTHER PRESENT:

SRI.C.N.PRABHAKARAN SR PP

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON
12.06.2020, THE COURT ON 22.09.2020 PASSED THE FOLLOWING:

ASHOK MENON, J.

BA No.3334 of 2020

Dated this the 22nd day of September, 2020

ORDER

This is an application seeking anticipatory bail filed under Section 438 Cr.PC.

2. Applicant is the accused in Crime No.582/2020 of Ernakulam Central Police Station for having allegedly committed offences punishable under Section 153A of the IPC.

3. The prosecution case, in brief, is that the applicant had been propagating his religious thoughts through the YouTube channel and while speaking in favour of Christianity, he has been promoting enmity between different groups on the ground of Religion and has been criticizing the preachers of Islam in such a manner that he was spreading disharmony or feelings of enmity, hatred or ill-will between persons belonging to

Islam and Christianity and thus committed an offence punishable under Section 153A IPC.

4. The applicant states that he has no ill-will and all his arguments with the other religious leaders are based on ideologies and that he has been exercising his right within the Constitutional framework and the freedom of speech as guaranteed by the Constitution and his debates in the YouTube Channel are before the public and there was no attempt on his part to create hatred between persons belonging to Christianity or Islam. Therefore, custodial interrogation of the applicant may not be required and he may be released on anticipatory bail.

5. Heard the learned counsel for the applicant and the learned Public Prosecutor.

6. On going through the various materials and the links provided by the applicant, it is seen that the applicant has been propagating Christian Religion. True, he has made several debates in comparison of the Religion with Islam and has also contradicted the propagators of Islamic Religion. I am not going into

the details of the complicity of the applicant for offence punishable under Section 153A IPC. But, it would suffice to say that custodial interrogation of the applicant may not be necessary. All his debates and statements are well preserved in the form of YouTube uploads, and there is nothing, apart from that to be ascertained by the investigating officers. Hence, the applicant is entitled to a pre-arrest bail, particularly, considering the present pandemic situation.

In the result, the Bail Application is allowed and the applicant is directed to surrender before the investigating officer within three weeks. After interrogation, in the event of his being arrested, he shall be released on bail on execution of bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the investigating officer, and on the following further conditions:

(i) He shall appear before the investigating officer as and when called for and co-operate with the

investigation.

(ii) He shall not tamper with evidence or intimidate or influence the witnesses.

(iii) He shall not get involved in any similar offence during the currency of the bail.

In case of breach of any of the above bail conditions, the prosecution is at liberty to approach the jurisdictional court for cancellation of the bail.

**Sd/-
ASHOK MENON
JUDGE**

jg