

Salman Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1164785

Court : Kerala

Decided On : Sep-22-2014

Judge : Honourable Mr. Justice a.Hariprasad

Appellant : Salman

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.HARIPRASAD MONDAY,THE22D DAY OF SEPTEMBER201431ST BHADRA, 1936 Bail Appl..No. 6811 of 2014 ()
----- AGAINST THE

ORDER

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JUDGMENT

IN CrI.M.C22022014 of VIIth ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED1109-2014. CRIME NO. 1201/2014 OF THAMPANOOR POLICE STATION , THIRUVANANTHAPURAM. PETITIONER(S)/1ST ACCUSED (UNDER CUSTODY):
----- SALMAN, AGED25YEARS, MUHAMMED NOOHU, BISMI, T.C.5/742, PADMAVILASAM LANE, PEROORKADA, THIRUVANANTHAPURAM. BY

ADVS.SRI.K.S.MADHUSOODANAN SRI.C.S.MANU SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA SRI.P.K.RAKESH KUMAR SRI.K.S.MIZVER.
RESPONDENT(S)/FORMAL PARTY & COMPLAINANT:

----- 1. STATE OF KERALA,
TO BE REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE, THAMPANOR CIRCLE POLICE
STATION, THAMPANOR, THIRUVANANTHAPURAM. BY PUBLIC
PROSECUTOR SMT.LALIZA. THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 22-09-2014, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING: amk A.HARIPRASAD, J.

----- B.A No.6811 of 2014
----- Dated this the 22nd day of September, 2014.

ORDER

Petitioner is the first accused in Crime No.1201/2014 of Thampanoor Police Station registered under Section 124(A) of I.P.C, Section 66 (A) of Information Technology Act and Sections 2 and 3 of Prevention of Insult to National Honour Act.

2. Prosecution case is that the petitioner along with his friends on 18-08-2014 insulted National Anthem while it was played in a theater. It is also alleged that in the face book account of the petitioner, he posted derogatory matters showing disrespect to the honour and prestige of our country.

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

4. Learned Public Prosecutor opposed the bail application strongly contending that the words employed by the petitioner in the face book posted are extremely blaterness and insulting natured against the nation. Per contra, learned counsel B.A No.6811 of 2014 2 for the petitioner submitted that the entire allegations will not constitute an offence under Section 124(A) I.P.C and also the offences alleged under the Prevention of Insult to National Honour Act. However, I am not making

any observation regarding the merit of the matter. Considering the fact that the petitioner is not involved in any other crime affecting the security of the nation, I grant bail to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court - III, Thiruvananthapuram.
2. One of the sureties shall be the parent of the petitioner.
3. The sureties shall produce documents to establish their identity and solvency.
4. The petitioner shall appear before the B.A No.6811 of 2014 3 Investigating Officer on all Mondays and Fridays between 10.00 and 11.00 a.m until final report is filed.
5. The petitioner shall not involve in any offence pending trial of this case.
6. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.
7. The petitioner shall surrender his passport if any. If he does not have a passport, he shall file an affidavit stating that fact before the court below. If any of the conditions are breached by the petitioner, the learned Magistrate is free to cancel the bail without referring the matter to this Court. A.HARIPRASAD, JUDGE.
amk