

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

MONDAY, THE 19<sup>TH</sup> DAY OF SEPTEMBER 2022 / 28TH BHADRA, 1944

BAIL APPL. NO. 7218 OF 2022

Crime No.634/2022 of Binani Puram Police Station, Ernakulam  
District

PETITIONER/ACCUSED:

BOBAN P.V.  
AGED 55 YEARS  
S/O LATE VARGHESE, PANAYIKKULAM  
ALANGAD, ERNAKULAM, KERALA., PIN - 683511  
BY ADVS.  
M.B.SOORI  
BALAMURALI K.P.

RESPONDENT/STATE:

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

OTHER PRESENT:

PP - SMT. NIMA JACOB

THIS BAIL APPLICATION HAVING COME UP FOR  
ADMISSION ON 19.09.2022, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:

**VIJU ABRAHAM, J.**

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**B.A. No.7218 of 2022**  
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Dated this the 19<sup>th</sup> day of September, 2022

**ORDER**

This is an application for regular bail.

2. The petitioner is the sole accused in Crime No.634/2022 of Binani Puram Police Station, Ernakulam District alleging commission of offences punishable under Section 153 A of Indian Penal Code and Section 120(o) of the Kerala Police Act.

3. The prosecution allegation is that, on 06-09-2022, the petitioner shared the facebook posts of indecent and scandalous comments on Muhammed Nabi bringing disgrace to the Islam faith of the defacto complainant causing communal hatred. It is further alleged that the said act of the accused caused injuries to the religious sentiments of the defacto complainant and thus the accused has committed the aforesaid offences.

4 .The learned counsel for the petitioner submitted that the petitioner is in custody from 07.09.2022 onwards. It is also submitted that the petitioner is only a headload worker and it is only due to his ignorance in using of mobile phone that the alleged incident happened.

5. The learned Public Prosecutor seriously opposed the application for bail mainly contending the the petitioner himself commented in the facebook group and that the mobile phone in question is already seized by the investigating officer. It is further submitted that the allegations against the petitioner are very serious in nature.

6. Having regard to the facts and circumstances of the case, considering the nature of the allegations and considering the fact that the petitioner is in custody from 07.09.2022 onwards and that the mobile phone used for the alleged offence is already seized, I am inclined to grant bail to the petitioner subject to stringent conditions. In the result, the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

- (i) The petitioner shall execute 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 jurisdictional court;
- (ii) Petitioner shall appear before the investigating officer in Crime No.634/2022 of Binani Puram Police Station, Ernakulam District on every Saturday at 11

am, until filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the *defacto* complainant or any witness in Crime No.634/2022 of Binani Puram Police Station, Ernakulam District;

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.634/2022 of Binani Puram Police Station, Ernakulam District may file an application before the jurisdictional court, for cancellation of bail.

sm/

Sd/-  
**VIJU ABRAHAM**  
**JUDGE**