

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

CRIMINAL PETITION NO.2187 OF 2020

BETWEEN:

Amulya Leona,
Bengaluru City.

.. PETITIONER

AND :

State of Karnataka by
Upparpet Police Station.

.. RESPONDENT

* * *

**STATEMENT OF OBJECTIONS FILED ON BEHALF OF
RESPONDENT/STATE TO THE BAIL PETITION FILED BY THE
PETITIONER**

The Respondent State most respectfully submits as under :-

1. At the outset, the above Petition is not maintainable in view of the fact that the Petitioner has already filed the bail Application before the City Civil Court at Bengaluru, C.C.H.No.60 in Criminal Misc.No.2520/2020 and the same is pending consideration. Without the decision of the said Petition, the present parallel Petition is not maintainable.

2. The present Petition before this Hon'ble Court is not inconsonance with the directions issued by the Hon'ble Supreme Court of India dated 23.03.2020 in Suo-Moto Petition (Civil) No.1/2020 in ray; continuation of Covid-19 and also the Proceedings of the Meeting of the High Powered Committee held on 30.03.2020 at High Court of Karnataka, wherein it was made clear that under trial prisoners facing trial with an imprisonment up to 7 years or less shall be tried by the concerned Jurisdictional District and Session Court designated for the same during the lockdown period, as such, the present Petition is liable to be dismissed.

3. Without prejudice to the above contention, it is submitted that the Petitioner on 20.02.2020 at about 6.50 p.m., was speaking in a program to protest against CAA, NRC and NPR, wherein she has provoked the gathering in public by stating that "Pakistan Zindabad" several times, thereby she has created enmity between the different groups/communities on the ground of religion, which was prejudice to maintenance of harmony and further because of her imputation and assertion, caused prejudice to the National Integration, has committed an offences punishable with imprisonment for life. In the said gathering, she has uttered

words as above so as to promote enmity, hatred or ill-will between classes of people, which was made in public. Further, the Petitioner by the words spoken praising "Pakistan Zindabad" in public, the aforesaid gathering brought hatred and excites disaffection towards the Government of India being disloyal to the Government of India, which is punishable with imprisonment for life and fine. As such, the Petitioner is not entitled for bail more particularly the investigation is not yet completed.

4. After the incident, the on duty Police Inspector has made a complaint in Crime No.29/2020 registered for the offences punishable under Sections 124-A, 153-A, 153-B, 505(2) of IPC by Upparpet Police Station, Bengaluru and she has been arrested on 20.02.2020 at 9 p.m., and was produced before the Home Office of the Jurisdictional Magistrate and under UTP No.1663/2020 and she has been remanded to the judicial custody.

5. Immediately after the incident several organisations and people came on the road to protest against the Petitioner which led to law and order problem. Few such incidents have happened immediately after the incident. On 20.02.2020 itself immediately after the arrest of the Petitioner, the Karnataka

Dalitha Sangarsha Samithi has protested against the Petitioner to take proper legal action against her. On 21.02.2020, Hindu Jana Jagruthi Samithi and some other Organisations protested against the Petitioner in front of Town Hall peacefully. However one lady called Aridra, all of a sudden appeared behind protestors and displayed play card with slogan "Liberate Muslim Dalits, Kashmiri Trans-genders so as to create enmity between the groups and classes of people and a case has also been registered against her in S.J. Park Police Station in Crime No.18/2020 under Sections 153(A), 153(B) of IPC. The said Aridra was encouraged by the Petitioner's act of sloganeering "Pakistan Zindabad" on 20.02.2020. On 20.02.2020, Karnataka Rakshana Vedike, Sri Praveen shetty's faction also protested at Hassan and Belur demanding action against the Petitioner. Thus, immediately after the incident, law and order came to be disturbed in the State on account of sloganeering by the Petitioner.

6. Because of the Petitioner sloganeering praising Pakistan, there was a protest on 20.02.2020 at about 11.50 night by some activist at Gubbgadde, Kumbhara Koppa Village of Koppa Taluk, where the father of the Petitioner resides. In this

connection, on the basis of the Complaint filed by the father of the Petitioner, a case has been registered in Koppa Police Station in Crime No.18/2020. In view of the subsequent protest, law and order problem in the State became precarious. Hence, if the Petitioner is enlarged on bail, more such protest may take place either in favour of the Petitioner as against the incident.

7. In order to ascertain the persons, who are in connection with the Petitioner, the Police have seized the CDR and SDR from the concerned mobile service companies. The actual video footage of the incident also have been taken and seized and the same has been duly certified under Section 65-B of the Indian Evidence Act. During investigation, it was revealed that the Petitioner on 16.02.2020 also has participated in Kolar in similar protest programme and voice sample have been seized, likewise the video footage recovered by the TV Channels also have been seized. During the investigation, it is also revealed that the Petitioner has also made instigating speeches in Kolar, Udupi and Vijayapura so as to incite the communities which has the effect of disturbing the maintenance of communal harmony. It is also revealed in the investigation that she has also participated with one Avishiktha

Aditya @ June, who also made similar statements. Both have participated in a gathering without any permission in the premises of Government Arts College, Bengaluru on 20.12.2019 at about 5 p.m., and displayed “fuck Hinduthava” play cards against the Government of India so as to create grudge between the communities by sowing seeds of hatred. In that connection, a complaint has been lodged by the Principal of Government Arts College against the persons, who have displayed the above said play cards and the case has been registered in Crime No.261/2019 under Sections 295(A), 153(A), 143, 149 and 448 of IPC by the Halasur Gate Police Station on 20.12.2019 at about 6 p.m., near Metro Station gathered violating the order under Sections 144 of Cr.P.C. and displayed the “fuck Hinduthava” play card and as such, another case is registered in Crime No.262/2019 under Sections 295(A), 153(A), 504, 143, 149, 188 of IPC and both the cases are being investigated and the charge sheet is yet to be filed.

8. It is submitted that in view of the antecedents of the petitioner and also having strong link with some organisations, if the Petitioner is released on bail, she may abscond and may not co-operate with the investigation, which is not yet completed. The

investigation of the organizers, who have conducted the Meeting on 20.02.2020 at Freedom Park is yet to be started in view of COVID-19 Lockdown and if the Petitioner is released on bail, she may influence those organizers not to co-operate with the investigation. Since the Petitioner is identified with many organisations and if she is released on bail, may again participate in the similar activities and may commit more such offences, which create disharmony in the public.

9. If the Petitioner is released on bail, she may tamper with the evidence and may destroy the evidence against her. She may also again participate and commit similar offences while opposing the CAA, NRC and NPR. She may also participate in the protest and may make provocative speeches so as to endanger peace and tranquillity in the Society. She may also again raise slogans praising Pakistan, which is considered as not favoured nation by the Government of India. Because of the provocative statement and behaviour, the Petitioner may be instrumental in destruction of private and public prosperities. She also may influence the other absconding accused not to co-operate with the investigation. Since she is having strong links with the several

organizations through which, she may threaten the witnesses not to give evidence against her in the Court.

10. Since all the FSL reports are not yet received by the Police and once the same is received, the Petitioner may be required for custodial interrogation. As such, if the bail is granted, it is difficult for the Police to secure her and as such, the above Petition may be dismissed.

11. The Petitioner being an influential person may threaten and influence the witnesses and hamper the case of the prosecution. The petitioner fleeing from justice is also not ruled out. In the facts and circumstances of the case, the Petitioner is not entitled for the relief of bail at the hands of this Hon'ble Court.

WHEREFORE, the Respondent – State most respectfully prays that this Hon'ble Court may be pleased to DISMISS the above Petition, in the interests of justice.

Bangalore,

STATE PUBLIC PROSECUTOR-II

AND

Dated:

ADVOCATE FOR RESPONDENT-STATE