

**IN THE COURT OF SESSION, ERNAKULAM DIVISION**

Present:-

Sri. G.Girish, 1<sup>st</sup> Additional Sessions Judge  
Saturday, 21<sup>st</sup> day of May, 2022/ 31<sup>st</sup> Vaishaka, 1944

**Cri. M.C. No.1113 of 2022**

(Crime No. 487/2022 of Palarivattom Police Station, Ernakulam)

**Petitioner/Accused:-**

P C George, aged 69 years, Plathottam House, Aruvithara Kara,  
Erattupeta Village, Kottayam District.

By Advs. Geo Paul & C R Pramod

**Respondent/Complainant :-**

State of Kerala represented by Station House Officer, Palarivattom  
Police Station, Ernakulam through Public Prosecutor, District and  
Sessions Court, Ernakulam.

By Public Prosecutor Sri. T.A. George Joseph.

This petition filed u/s.438 of Cr.P.C., praying this Court to grant  
anticipatory bail to the petitioner.

This petition coming on for hearing on 18.05.2022 and the court on  
21.05.2022 passed the following:-

**ORDER**

The accused in this case has filed this petition for pre-arrest bail  
U/s.438 Cr.P.C.

2. The prosecution case is that, the petitioner, a former member of  
Kerala Legislative Assembly, made a highly inflammatory speech promoting  
disharmony, feelings of enmity, hatred and ill-will between different religious  
groups, in a religious meeting held on 08..05..2022 at Vennala Thykkavu  
Sree Mahadeva Temple. It is stated that the petitioner, in the above speech,

made highly derogatory, disparaging and outrageous remarks about the Muslim community of India, with the deliberate and malicious intention to insult the religious beliefs of that community. Thus the accused is alleged to have committed the offences punishable u/ss 153A and 295A IPC.

3. The case has been registered by the Palarivattom Police on 10..05..2022 on the basis of the intelligence report and audio clip of the above speech of the petitioner, received by the Sub Inspector of police, Palarivattom.

4. In the present petition, the petitioner/accused would contend that he is totally innocent and that, even if the entire allegations levelled against him are admitted, the ingredients of the offences alleged are not made out. It is further stated that this case has been registered against the petitioner due to the political rivalry of the ruling party.

5. The bail application has been strongly opposed by the learned Public Prosecutor.

6. As already stated above, the offence u/s 153A and 295A of the Indian Penal Code are said to have been committed by the petitioner by

words spoken in a speech at the premises of the Vennala Thykkavu Sree Mahadeva Temple from 7.10 pm to 8 pm in a religious meeting held there. The transcript of the above speech is incorporated in the C.D file produced before me. On going through the above transcript of the speech made by the petitioner it is seen that there are highly provocative remarks contained in it which are capable of promoting disharmony, hatred and ill will between different religious groups on the ground of religion. There is satirical remark made by the petitioner in it to the effect that the clergymen of Muslim community are propagating that the saliva spit by prophet Nabi is 'barkath' and perfume. There are statements made by the petitioner to the effect that though the 'Moulavies' of Muslim community are preaching, that giving contributions to temples are like making payments to brothel, that Jesus Christ had been born out of illicit relationship and that Mariam is a prostitute, no cases are being registered against them. There are also other indications in the above speech that almost all criminals who indulge in the offences related to land mafia, terrorism, havala business, narcotic transactions and smuggling of gold, belonged to Muslim community. It is further stated that the girls belonging to Hindu and Christian communities are being corrupted by adopting love jihad by Muslims. The petitioner is also seen to have stated that the exponential hike in Muslim population has to be countered by the

women community of Hindus and Christians by giving birth to at least four children. Another remark made by the petitioner in the above speech is that it is not possible for a Hindu to conduct a shop in an area surrounded by Muslim community, whereas a Muslim could very well conduct such a shop in an area surrounded by Hindu community. There are also various other comments in the above speech depicting the members of Muslim community in bad light.

7. The comments made by the petitioner in the above regard prima facie appear to be of such a nature as to promote disharmony, hatred and ill will between the persons belonging to Muslim community and the followers of two other predominant religions of our State. Needless to say that the contention of the petitioner that offence u/s 153A and 295A are not made out even if the entire allegations levelled against him are admitted, is totally baseless and unacceptable. It is also worth to note that the petitioner herein had been booked for the commission of exactly similar offence within the limits of Fort Police Station, Thiruvananthapuram on 30..04..2022, and that he had been released on bail in that case by the Magistrate concerned subject to the condition that he shall not make and propagate controversial statements which might hurt the religious sentiments of others. The present speech

which is the subject matter of this case had been made by the petitioner within 10 days after his release on bail subject to the above condition, in the case registered by Fort Police Station, Thiruvananthapuram. The above nature of the petitioner who gives scant regard to the directions of the court, would foreclose the scope of invoking the exceptional powers conferred u/s 438 Cr.PC for granting pre-arrest bail.

8. It has been held by the Constitution Bench of the Hon'ble Supreme Court in **Sushila Aggarwal v. State (NCT of Delhi) and Another (AIR 2020 SC 831)** that in addition to the nature and gravity of the offence, the nature of the person, role of the person and the likelihood of his act influencing the investigation are also parameters to be considered while dealing with anticipatory bail applications. In **Nathusingh and Another vs. State of U.P (AIR 2021 SC 2606)**, the Hon'ble Supreme Court has held that the court has to balance the concerns of the investigating agency, complainant and society at large with the concerns/interest of the applicant in the adjudication of applications for pre-arrest bail.

9. Having regard to the above law laid down by the Hon'ble Supreme Court, in the backdrop of the facts and circumstances of this case narrated in

the foregoing paragraphs, it is not possible to take a lenient view on the matter of pre-arrest bail prayed for by the petitioner.

In the result, the petition is hereby dismissed.

Dictated to the confidential Asst. transcribed and typed by her, corrected and pronounced by me in open court on this the 21<sup>st</sup> day of May, 2022.

**Sd/-  
G.GIRISH  
I ADDL. SESSIONS JUDGE.**

SS/-  
Comp.By:

**Crl. M.C. No.1113 of 2022**  
**Order dtd: 21.05.2022**