

Kerala High Court

Miss Jaya Devi vs The Sub Inspector Of Police

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 3628 of 2010()

1. MISS JAYA DEVI, AGED 36 YEARS, D/O.
... Petitioner

Vs

1. THE SUB INSPECTOR OF POLICE,
... Respondent

2. THE STATE OF KERALA, REPRESENTED BY

For Petitioner :SRI.SHERLY THOMAS

For Respondent : No Appearance

The Hon'ble MRS. Justice K.HEMA

Dated :/ /

O R D E R

K.HEMA, J

B.A No.3628 OF 2010

Dated this the 18th day of June 2010

ORDER

This petition is for anticipatory bail.

2. The alleged offences are under Sections 505(1)(b) and 507 of IPC. According to prosecution, petitioner instigated first accused to make a phone call to certain persons stating that a bomb is kept in a hall wherein marriage is to be conducted and thereby cause panic among public. First accused accordingly made phone calls to several persons as instructed by first accused and thereby caused panic in the public. On a complaint, first accused was arrested and on investigation, it is revealed that second accused also committed the offences.

3. Learned counsel for petitioner submitted that petitioner is the daughter of a freedom fighter. Certain people are on inimical terms with her and she is falsely implicated in the case. First accused made calls from his grandfather's number and her phone was not used by first accused. There is absolutely nothing to connect petitioner with the crime. Offence under Section 505 is not attracted, since the calls made are to private individuals. The only non-bailable offence alleged is under Section 505, but that is not attracted, it is submitted..

4. This petition is opposed. Learned Public Prosecutor submitted that petitioner is a relative of first accused and petitioner went to house of first accused and asked him to make the calls. First accused is aged only 18 years and petitioner is aged 36 years. According to first accused, she had told him that some amount is due from one Balaji to her and that is why phone calls were to be made. Petitioner's interrogation will be required to find out why she has committed the offence.

5. On hearing both sides and on going through Case Diary, I am satisfied of the submissions made by the Learned Public Prosecutor. Investigation is in progress and I am satisfied that petitioner is required for interrogation. This is not a fit case to grant anticipatory bail. As per Section 505 IPC, whoever makes or circulates any statement or rumor with intent to cause or which is likely to cause fear or alarm to the public or to any section of people, whereby any person may be induced to commit an offence against the State or against public tranquility will be liable under Section 505 IPC. The only non-bailable offence involved in this case is under Section 505 IPC and other offences are, admittedly bailable. On a reading of Section 505 IPC, it appears that petitioner has a strong and arguable case regarding involvement of the said Section in the case, in the light of the expression contained in Section 505 IPC, "whereby any person may be induced to commit an offence against the State or against the public tranquility" etc. In the above circumstance, the following order is passed.

(1) Petitioner shall surrender before the Investigating Officer within seven days from today.

(2) On such surrender, if petitioner is arrested, Section 505 of IPC will be treated as not included, for the purpose of bail.

Petition is disposed of accordingly.

K.HEMA JUDGE vdv