

**IN THE COURT OF CITY CIVIL AND SESSIONS JUDGE AT
BENGALURU**

CRIMINAL MISC. PETITION NO. _____/2020

BETWEEN:

Petitioner

[The Petitioner is in judicial custody at Central Prison Bengaluru.]

AND:

STATE OF KARNATAKA

By : Upparpet Police Station,

Bengaluru City

Represented by:

The Public Prosecutor.

Respondent

MEMORANDUM OF CRIMINAL MISCELLANEOUS PETITION FILED
UNDER SECTION 439 OF CODE OF CRIMINAL PROCEDURE

The Petitioner above herein most respectfully submits as the following:-

1. The address of the Petitioners for the purposes of processes of this Hon'ble Court is as shown in the above cause title and they may also be served on their counsels Mr. B.T.Venkatesh, Ms. Maitreyi Krishnan, Mr. G.R. Rajesh Kumar, Kashinath J.D. Sharath, Prasanna Rajashekar, Ms. N K Vinoda, Ms. Aarti Mundkur, Mr. Prasanna R, Mr. Mohammed Niyaz, Mr. Basawa Prasad Kunale, Advocates, 1/1, 1st Floor, 1st Cross, Madhavanagar, Bengaluru 560001.

2. The Respondent is represented by a learned Public Prosecutor.

3. The Petitioner is presenting this Petition seeking grant of regular bail in Cr. No.29/2020 on the file of V Additional Chief Metropolitan Magistrate Court, At Bengaluru for the alleged offences punishable under section 124-A, 153[A], 153-B, 505[2] of IPC. The respondent police have registered the FIR against the petitioner in Crime No.29/2020 on 20-02-2020 and the petitioner has been produced before the jurisdictional court. Thereafter, the petitioner was remanded to judicial custody. Thereafter, respondent police have filed the application for police custody and same was ordered by the court for period of 5 days. After completion of the police custody, petitioner has been remanded to judicial custody. Since the petitioner is in judicial custody. Hence this petition for regular bail.

4. **Case of the prosecution:** That on 20.02.2020 at about 6.50 pm while petitioner was speaking in a program organised to protest against CAA, NRC and NPR. It is alleged that the petitioner had stated 'Pakistan Zindabad' several times and thereby she has attempted to bring enmity between different communities and she has affected the unity and integrity of the nation and she has instigated people to commit breach of peace and thereby she has committed an offence punishable under section 124A, 153A, 153B, 505(2) of the Indian Penal Code. Since, the petitioner is in judicial custody, the present petition is being filed seeking regular bail.

GROUND

5. It is respectfully submitted that the Petitioner is a law abiding citizen who has not committed any offence much less as alleged. She has been falsely implicated and accused of the offences which she has not committed. It is submitted that the Respondent Police have alleged that

on 20.02.2020 at about 6.50 pm while she was speaking in a program organised in protest of CAA, NRC and NPR. She had stated 'Pakistan Zindabad' several times and thereby she has attempted to bring enmity between different communities and she has affected the unity and integrity of the nation and she has instigated people to commit breach of peace and thereby she has committed an offence punishable under section 124A, 153A, 153B, 505(2) of the Indian Penal Code. The said allegations levelled against the petitioner are false and the petitioner has not committed alleged offence and she has not involved in the said allegations in any manner. The petitioner is falsely implicated in the above crime on false and misconceived reasons.

6. It is respectfully submitted a perusal of the complaint would demonstrate that the allegations made by the Respondent Police do not constitute any offence much less as alleged by the Respondent.

7. It is respectfully submitted that the Respondent Police have registered the above case without application of a mind resulting in a prosecution of the Petitioner on erroneous and non-existent grounds on the accused.

8. It is respectfully submitted that the Police have conducted an extensive enquiry about the case and had sought for police custody of the Petitioner to enable them to collect further information and for validation of certain facts and the learned magistrate had given the custody of the Petitioner to the police for a period of 5 days and thereafter, she is in judicial custody. A perusal of the records of investigation would go to show that the Respondent Police had conducted extensive investigation into the case and there is no further need of petitioner for custodial investigation as such the petitioner is entitle for bail.

9. It is respectfully submitted that the Petitioner is a 19 year old girl who is pursuing her education in II BA in journalism subject at NMKRV College, Bengaluru. She has to appear for the examinations and she has to attend classes and also to complete the assignments given to the students.

10. It is respectfully submitted that the Petitioner is also assisting various journals of international repute as part of her training. At present, she is in judicial custody and unable to do anything and she is in distressed condition.

11. It is respectfully submitted that the Petitioner has not committed any offence as alleged and all the allegations made against her are wild and baseless. It is to be noted that a perusal of the complaint, remand application would demonstrate that she has not committed any offence. None of the ingredients of the offence have been made out in the complaint. Hence, the Petitioner is presenting this petition seeking her enlargement of bail pending disposal of the above case in the interest of justice.

12. It is respectfully submitted that the Petitioner is the permanent resident of Karnataka and her permanent address correctly stated in the cause title and she is presently studying in NMKRV, Bengaluru. She has to complete her education and she is ready and willing to furnish a surety for her due appearance and ready and willing to abide by all the conditions that this Hon'ble Court may please to impose on her. In the event, this Hon'ble Court not please to enlarge her on bail, she would be put to severe hardship. On the contrary, in the event, if the Hon'ble Court please to enlarge her on bail, no hardship would be caused to the investigation.

13. It is submitted that the Petitioner is ready and willing to appear before the Investigating Officer as and when called to do so. Similarly, she is ready and willing to appear before the learned magistrate as and when directed to do so.

14. The offences alleged against the petitioner are not exclusively punishable for life or death penalty and from the contents of the FIR itself the prosecution has no legs stand their case against the petitioner. The allegations does not attract the offences invoked by the respondent police.

15. It is respectfully submitted that the parents of the Petitioner are disturbed with the development and hence it is necessary that the Petitioner is enlarged on bail at the hands of this Hon'ble Court.

16. It is respectfully submitted that the bare reading of the complaint, FIR, remand application, and application seeking police custody would clearly demonstrate that substantial amount of information is secured by the investigating agency and hence, no hardship would be caused to the Respondents in any manner whatsoever.

WHEREFORE, It is most respectfully prayed that this Hon'ble Court be pleased to enlarge the Petitioner on bail in Crime No. 29 of 2020 of the Upparpet Police Station, Bengaluru for offences under Sections 124A, 153A, 153B, 505(2) of Indian Penal Code (IPC) pending before the Court of V Additional Chief Metropolitan Magistrate, Bengaluru with such conditions that this Hon'ble Court be pleased in the interest of justice.

Place: Bengaluru
Date:16-03-2020

Advocate for petitioner

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