

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13347 of 2020

K.Gopal @ KI.Gopal Ramesh Gounder

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Arachalur Police Station,
Erode District.

Crime No.662 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.662 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 153,153A, 505(1)(b) and 505 (1)(c) of IPC in Crime No.662 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mr.R.Prakash, Police Officer is that the petitioner has uploaded abusive videos against a particular community with the intention of creating enmity between two groups. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and without knowing the consequence the petitioner had uploaded certain videos in the social media. However, the petitioner has now regretted for the same and he has also filed an affidavit of undertaking expressing his remorse and undertaking that he will not commit any such acts in future. Further the learned counsel for the petitioner refers to paragraph 3 and 4 of the affidavit of undertaking, which is extracted hereunder:

"3. I state that the allegations in the complaint are that I have posted a video in social media which hurted the sentiments of people belonging to particular community and it is further alleged that I have done this with an intention to create Enmity, Harted and Ill-will among the people of different community.

4. I state that I have no intention to hurt anyone and I did not cause any hatred among the people. I am sincere and a law abiding citizen. I hereby undertake that I will not post any of my speeches by way of video or audio in any social media (Face Book, What's up, Twitter etc) and print media which are offensive and barred under law. I remorse for my previous speech which has been uploaded in the social media and I continue to work for the eradication of the evils in the society and give my co-operation to prevail peace and harmony in the state."

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had uploaded certain videos against the particular community thereby created enmity between the two groups. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel on either side and the affidavit of undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate -II, Erode, on condition that the petitioner shall execute a separate bond for a

sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent Police every day at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

8. The affidavit of undertaking shall form part of the Court records.

-sd/-

08/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
ERODE

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

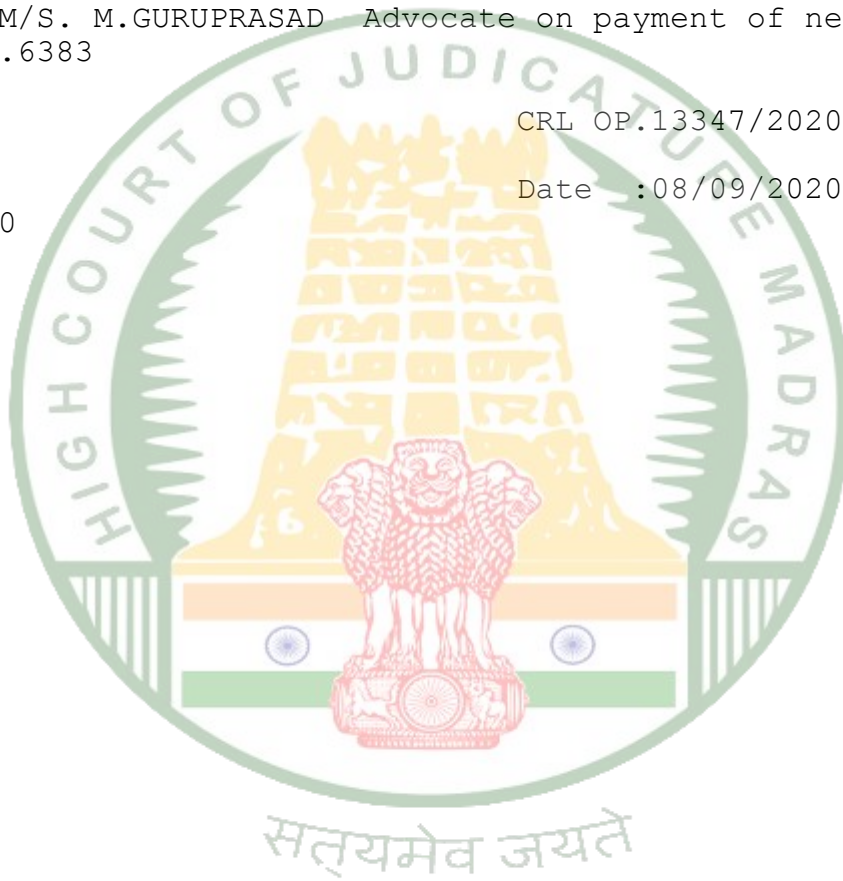
3 THE INSPECTOR OF POLICE,
ARACHALUR POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary
charges SR.NO.6383

CRL OP.13347/2020

Date :08/09/2020

GKS:23/09/2020



WEB COPY