

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2978 of 2021

Advocate Senniappan

... Petitioner

-Versus-

The State Rep. by
The Sub Inspector of Police,
Nambiyur Police Station,
Nambiyur-Taluk,
Erode-District.
[Crime No.41 of 2021] ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.41 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.D.Veerasekharan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.41 of 2021 on the file of the respondent police for the alleged offences punishable under Sections 153 and 505(1) (b), is before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The allegation is that the petitioner, who, by profession an Advocate, belongs to a political party organized a public meeting in which many other political functionaries had participated. In the meeting the speakers alleged to have spoken ill about Hindu Gods and ridicule their customs. Hence, a case was registered on a complaint from one Mr.S.Sivakumar.

4. The learned counsel for the petitioner would submit that in the public meeting functionaries from different political parties had participated and delivered speech but, none of them spoke anything criticising Hindu Gods. The speakers generally criticised the activities of the Government and the Ministers of the State. Absolutely there was no intention on the part of the petitioner to hurt the sentiments of believers of Hindu religion. Even in the FIR there is no specific allegation made.

5. Per contra, the learned petitioner Additional Public Prosecutor would submit that in the public meeting organized by the petitioner, the speakers from different political parties purportedly commented upon the religious activities and beliefs of Hindus.

6. I have considered the rival submissions carefully.

7. On a perusal of the allegations in the FIR, prima facie, it could be seen that the petitioner had organized a public meeting on 18.01.2021 wherein the speakers from different political parties were said to have commented upon the religious activities and beliefs of Hindus. The transcribed texts of the speech delivered by the petitioner in the meeting has been enclosed in the typed set of papers. Prim facie, there is no specific allegation against the petitioner that he had commented about Hindu Gods and the customs and practice of Hindu people. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Gobichettipalayam, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

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

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

[f] 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].

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

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

-sd/-
17/02/2021

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.I,
GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
NAMBIYUR POLICE STATION,
NAMBIYUR POST AND TALUK,
ERODE DISTRICT.

+1CC to M/S.D.VEERASEKHARAN Advocate on payment of necessary charges SR NO.1774

CRL OP.2978/2021

Date :17/02/2021

MK:24/02/2021