



Crl.O.P.No.22974 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153(A) and 505(ii) of IPC in Crime No.380 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.07.2022, the petitioner who is a member of Hindu Munnai Organization, had delivered a speech in public against other religion, thereby provoked enmity between the groups. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the speech was only a reply to a speech made by the person belonging to other religion defaming his God and he has not spoken anything ill about the other religion. Further, the petitioner has filed a affidavit before this Court stating that he has not



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made any illegal statement about any religion and also given an undertaking that he will not speak offensive about any religion at any point of time in future. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that petitioner had delivered a speech in public against other religion, thereby creating enmity between two groups. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for both sides. Taking into consideration the facts and circumstances of the case, and the undertaking affidavit filed by the petitioner which would form a part of the Court records, this Court is inclined to grant anticipatory bail to the petitioner with certain 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



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from the date on which the order copy made ready, before the **learned Judicial Magistrate-I, Erode**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 am for two weeks and thereafter every Saturday at 10.30 am 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] the petitioner shall strictly abide by the undertaking given in the affidavit.

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[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.

11.10.2022

gd/mpl

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