



Crl.O.P.No.23138 of 2022

Crl.O.P.No.23138 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 505(1)(c) of IPC and Section 2(a) of Prevention of Insult to National Honour Act, 1971 in Crime No.438 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has dishonoured the National Flag by printing the image of Jesus on it. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the very reading of the FIR would show that it was not an intention to dishonour the Country or the National Flag. He has in fact stated that the God should only bless his Country and it was not an intention to create enmity between two groups. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.23138 of 2022

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has dishonoured the National Flag by printing the image of Jesus. He would further submit that there is no previous case pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned Counsel, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



CrI.O.P.No.23138 of 2022

WEB COPY

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 daily at 10.30 a.m, for a period of two weeks and thereafter, as and when required for interrogation.

[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



WEB COPY



Crl.O.P.No.23138 of 2022

A.D.JAGADISH CHANDIRA, J.

vkr

down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

23.09.2022

vkr

Crl.O.P.No.23138 of 2022