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Crl.O.P.No.23249 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 offence punishable under Sections 143 r/w 150 of IPC and 41 (6) (a) of TN City Police Act in Crime No.378 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Ravikumar, Senior Assistant, Arulmigu Kabaleeswarar Thirukoil, Mylapore is that the petitioner's men have formed into an unlawful assembly and had agitated against the administration of temples by the Government. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a social activist and a religious person and he has filed several cases and Public Interest Litigations against the Government to release the temples from the control of the Government. Apart from



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filing cases, he has also propagated against the Government interfering in the administration of temples. The petitioner as a dutiful citizen taking steps in the ambit of Law. He would further submit that as per the complaint there is no allegations as if the petitioner was present along with the other accused and that he instigated them to raise slogans against the Government. The petitioner is entitled to freedom of speech under Article 19 of Constitution of Indian and he has not done anything illegally. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner has instigated his men to raise slogans against the Government administrating the Temples during the temple festival. He would further submit that the petitioner has also posted blogs in the social media against the Government and he would submit that the petitioner was issued with notice under Section 41 (a) of Cr.P.C. to appear for enquiry, whereas he failed to appear for enquiry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. In reply, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to appear before the respondent police for enquiry.

6. Heard the learned counsel. Taking into consideration the facts and submissions of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 **XVIII Metropolitan Magistrate Court, Saidapet**, 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:



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[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., 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

23.09.2022

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