



Crl.O.P.No.24896 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 505(1)(b), 505(2) of the IPC in Crime No.427 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ramu is that, the petitioner who belongs to ADMK party on 29.09.2022, posted a cartoon in the Facebook stating 'அட இது திராவிட மாடல் டவுசர் பாய் இந்தாங் மாட்டிங்க அடுத்த விடியல்ல ஆர்எஸ்எஸ்ஸை அழிச்சிடுவோம் இந்தமுறை விட்டுவோம்'..., and thus had attempted to create enmity between two religious group. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a member of the ADMK party and as a political opponent in a democracy he had within the ambit of law and the rights guaranteed under the Constitution of India to express his opposition had forwarded a cartoon in social media. He would further submit that it was not intended



to create enmity between two groups whereas a false complaint has been lodged against the petitioner. He would further submit that, without prejudice, the petitioner has also filed an affidavit of undertaking that he will not post such materials in social media any further. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, the petitioner who belongs to a opposition party has posted a cartoon in the social media and thereby attempted to create enmity between two religious group. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering the affidavit of undertaking, this Court is inclined to grant anticipatory bail with certain 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, Madukkarai, Coimbatore District 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 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

14.11.2022

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