



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25924 of 2021

K.Rajagopal Krishnasamy

... Petitioner

Versus

State by
The Inspector of Police,
Bagayam Police Station,
Vellore - 632 002.
(Crime No.485 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest in the Crime No.485 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.S.Lavanesh

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 504, 505 (ii) and 153(A) of IPC in Crime No.485 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner subject to a post in Facebook in his name "Appealing the Central Government to allow Hindu Community people to visit and praise in Holy Mecca" and the petitioner has no connection with the said post. He is a social activist cum religious activist indulged in various welfare measures in and around his locality. The petitioner politically influenced people in and around the locality were in bad terms with the petitioner due to his good deeds towards the local people. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that in the affidavit stating that he would not indulge neither in past nor would never indulge in any activity in future which might cause unnecessary disturbances between two religious groups nor amongst any different communities. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that 2 previous cases pending against the petitioner and similar nature. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - I, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 on every Tuesday at 10.30 a.m., until further orders and the affidavit shall form part of the order;

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

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/01/2022

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, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE 632002

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S T. S.LAVANESH Advocate on payment of necessary charges SR.NO.393

CRL OP.25924/2021

Date :07/01/2022

JPA 12/01/2022