



Crl.OP.No.29094 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 153, 294(b), 506(1)(b), 509 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.117 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nathiya Srinivasan is that the accused, who is spokesman of the DMK party had spoken abusively against the women wing leaders and the leaders of BJP party in vulgar manner. Hence, the case.

3. Mr.S.Prabakaran, learned senior counsel appearing for the petitioner would submit that the petitioner is spokesman of the DMK party. While performing his political function in a public meeting he had criticised and politically attacked leaders from various political parties in a decent manner whereas, a truncated version of the speech has been uploaded in the social media as if the petitioner had abused women wing



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leaders and leaders of BJP party in an indecent manner, based on which, a false complaint has been given against the petitioner. He would submit that the petitioner and his party always respects womanhood and the speech was unintentional and he has never exceeded his limits. He would further submit that the petitioner though had not spoken as alleged, since now that some of the leaders have got offended and wounded, the petitioner expresses his regret for having hurt their feelings and had offered to file an affidavit expressing his apology regret for the same. He would submit that as per the undertaking given the petitioner has also filed an affidavit before this Court tendering apology, without prejudice to his defence. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is spokesman of the ruling party in a public meeting had spoken abusively against the women wing leaders and the leaders of BJP party. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned senior counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record, including the affidavit of undertaking filed by the petitioner. The relevant paragraphs are extracted hereunder:

"5. I most humbly submit that in the aforesaid meeting during the course of addressing the party members I have never meant to aver nor intended to do so and has not meant anything to hurt any BJP leader more particularly the women leaders and I have also apologised for the alleged derogatory remarks in the public through social media. Though I dispute the version that has been circulated, I reserve my legal right to defend the same in accordance with law and I am constrained to submit my unconditional apology in obedience of this Hon'ble Court's direction.

6. I most humbly submit that the said speech of mine was not done intentionally and I regret the same. The speech which was made by me was regarding opposing political parties and contentions about women leaders was purely unintentional. I respect all women in the society deeply from my heart. Therefore, it is most humbly and



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respectfully prayed that the speech was not in order to hurt Ms.Gayathri Raghuram nor other leaders of the political party. I sincerely apologize the hurt to them. Though the video circulated was not the actual content, which was not hurting the leaders."

6. Taking into consideration the facts and the submissions and the affidavit of apology filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 learned Additonal Chief Metropolitan Magistrate, Egmore, Chennai 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 daily at 10.30 a.m., for a period of one week 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 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.

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