



Crl.O.P.No.8529 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 153(A) & 505(2) of IPC, in Crime No.144 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, is that on 17.02.2023 and 18.02.2023, the petitioners who are ex-office bearers of the SDPI party had posted their post in the facebook in order to celebrate the foundation day of Popular Front of India which was banned by Tamil Nadu Government. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submit that even as per the allegation they have not indulged in any violence and they have only shared certain messages through facebook. He further submit that the petitioners are ready to abide any conditions that may be



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imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners on the said date of occurrence, who are ex-office bearers of the SDPI party had posted their post in the facebook in order to celebrate the foundation day of Popular Front of India which was banned by Tamil Nadu Government. He further submit that the first petitioner has 14 previous cases and the second petitioner has three previous cases are pending against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from



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the date on which the order copy made ready, before **the learned Judicial Magistrate, Ambur, Thirupathur District**, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday at 6.30 p.m., for a period of four weeks and thereafter on every Saturday at 6.30 p.m, until further orders.**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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



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

**24.04.2023**

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