



Crl.O.P.No.16829 of 2023

Crl.O.P.No.16829 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 504 & 506(i) of Indian Penal Code in Crime No.285 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is serving as a District President in BJP Kisan Morcha and on 16.06.2023, the defacto complainant's party member viz., Gopinath has uploaded the picture of the defacto complainant in his WhatsApp Status and wished him for his birthday, in which the accused herein replied to the said status by abusing the defacto complainant with filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the member of a church situated near defacto complainant's house and due to previous enmity with the church members, the defacto



Crl.O.P.No.16829 of 2023

WEB COPY

complainant always used to interfere with the activities of Church and its members and hence, he lodged this exaggerated complaint against the petitioner with false averments. Further, he produced the Undertaking Affidavit of the petitioner. Therefore, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner has abused the defacto complainant by using filthy language and threatened him with dire consequences and he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The Undertaking Affidavit filed by the petitioner is perused and taken on record. In the said undertaking, the petitioner has stated as follows:

“3...I had filed the above anticipatory bail petition before this Hon'ble Court and when the same was came up before this Hon'ble Court on 02.08.2023, this Hon'ble Court directed me to file undertaking affidavit. Hence, I file this undertaking affidavit as follows:-



Crl.O.P.No.16829 of 2023

WEB COPY

4. I undertake that I will provoke breach of peace of the defacto complainant and I will not insult or abuse the defacto complainant using filthy languages and I will not threaten him with dire consequences and put him under fear and I will also not interfere with the day to day life of the defacto complainant and his family at present and in future.

5. I further undertake that I will not send unwanted messages using un-parliamentary words to the defacto complainant or his party members or his wishers. I undertake that I will not cause any physical or mental illness to the defacto complainant or his family members. I further undertake that I will not tamper or hamper the witnesses the moment I am released on anticipatory bail by this Hon'ble Court.”

6. Taking into consideration the facts and submissions of the learned Counsel and also undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner herein subject to 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 learned



CrI.O.P.No.16829 of 2023

WEB COPY

XIII Metropolitan Magistrate, Egmore at Chennai, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 three weeks and thereafter, as and when required.**

[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



WEB COPY



Crl.O.P.No.16829 of 2023

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;

09.08.2023

ars



WEB COPY



Crl.O.P.No.16829 of 2023

RMT.TEEKAA RAMAN, J.

ars

Crl.O.P.No.16829 of 2023

09.08.2023