



Crl.O.P.No.18944 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 295, 295A, 468 of I.P.C, in Crime No.107 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.07.2023, the de-facto complainant made a complaint before the respondent police stating that on 10.05.2023, the petitioner sharing of videos in the social media which an intention to outrage of religious feelings in the event of Nombu. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner is not a member of the State Assembly or Parliament (MLA or MP). Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that he petitioner sharing of videos in the social



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media which an intention to outrage of religious feelings in the event of Nombu. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and based upon undertaking affidavit filed by the petitioner that he will not indulge in any such activities causing deliberate or malicious acts offending to outrage any particular religion or religious beliefs by the act of uploading videos or audios in social media including whatsapp either by spoken or written, or by words, signs and also by any visible representations. The undertaking affidavit filed by the petitioner is taken on record. The Registry is directed to give the copy of affidavit of undertaking to the respondent-police and the petitioner shall not indulge in any such similar offence if any such is done, action is taken in accordance with law. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



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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 Judicial Magistrate, Sathyamangalam**, on condition that the petitioner shall execute a separate 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 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 Registry is directed to give the copy of affidavit of undertaking to the respondent-police and the petitioner shall not indulge in any such similar offence if any such is done, action is taken in accordance with law;**



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[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of six weeks;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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