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Crl.O.P.Nos.24292 and 26304 of 2023

C.V.KARTHIKEYAN, J.

Petitioners/A1 and A2 in Crime No.383 of 2023, registered under Sections 153A(2), 298, 505(2) of IPC r/w Section 67 of Information Technology Act, 2002, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.It is the case of the prosecution that the petitioners had addressed members of a minority community derogatorily and abusively. Hence, he opposed grant of anticipatory bail. The petitioners herein, who were expected to be responsible citizens particularly since they are holding posts of prominence in a political party, had unfortunately exceeded the trust placed on them and are said to have spoken ill of citizens belonging to a minority community. The statements were not required to be stated. It would not gather any publicity but would gather adverse publicity. They could very well address issues on various other aspects instead of concentrating on one class of co-human beings. This attitude should be avoided. The learned counsel for the petitioners stated that words were only uploaded and that it could have been uploaded by anybody. That is besides the issue. The petitioners should answer their conscience rather



than views expressed by anybody else. If they were listen to their conscience then they would had been little more cautious on the nature of words uttered by them.

4.This Court wanted to know whether any adverse effects had taken place after the speeches were delivered. I must place on record appreciation on the learned Government Advocate (Crl.Side), who stated that after the speech no adverse incidents had taken place. But this would not wipe away the speeches made by the petitioners herein. Owing to that particular fact, let an affidavit be filed at the time when the sureties are executed that the petitioners would exercise caution in delivering speeches particularly when they address other men and women, who are after all their own brothers and sisters. Let this particular affidavit be filed also along with an undertaking that they would exercise caution in future. Anticipatory bail is granted.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners/A1 and A2 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the learned **Judicial Magistrate Court No.II, Mannargudi**, on condition that the petitioners each 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 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/A1 and A2** to appear before the **respondent everyday at 10.30 a.m., for a period of two weeks.**

Additionally, an affidavit be filed at the time **when the sureties are executed** that the petitioners would exercise caution in delivering speeches particularly when they address about other men and women, who are after all their own brothers and sisters of this Country

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



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[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 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.

08.12.2023

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