



Crl.O.P.No.11862 of 2024

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C.SARAVANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153 A(1)(b) and 505(1)(b) of the IPC in Crime No.39 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has approached this Court under Section 438 of Cr.P.C for Anticipatory Bail petition in Crime No.39 of 2024 *suo motu* initiated by the respondent based on the allegations that the petitioner as a member of Tamil Nadu Tawheed Jammadh, which appears to be a political party, had given a speech which attracted punishment under Sections 153 A(1)(b) and 505(1)(b) of IPC on 09.02.2024, wherein, it is alleged that the petitioner had made certain sentence/derogatory and defamatory statements against a political party to attract punishment under Sections 153 A(1)(b) and 505(1)(b) of IPC. It appears that the complaint was lodged by the Sub-Inspector of Police, Ukkadam Police Station before the Commissioner of Police, Coimbatore in his proceedings dated 02.03.2024 bearing reference No.Na.Ka.No.110/X/Ka.A/Mugam/2024. The statement which was made



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will be in the public domain and therefore, the petitioner need not to be arrested. However, the petitioner shall co-operate with the respondent. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondent would submit that on 09.02.2024, the petitioner as a member of Tamil Nadu Tawheed Jammadh which appears to be a political party, had given a speech which attracted punishment under Sections 153 A(1)(b) and 505(1)(b) of IPC. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and also the submissions made by either sides, this Court is inclined to grant anticipatory bail to the petitioner with 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 Judicial Magistrate No.V, Coimbatore, on condition that the petitioner shall execute a 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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