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Crl.OP.No.18844 of 2024

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P.DHANABAL, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 196, 299, 353(1), 353(2), 352 of BNS in Crime No.266 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 07.07.2024, the petitioners went to Nagoor to attend the Death Anniversary of one Thangam Ammal, wife of A.1 herein, who died in the year 1995 due to a bomb blast. In the said Death Anniversary meeting, the petitioners have given hate communal speech. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioners are innocent and have no role in the commission of the offence. They have submitted that a false case has been foisted against them. Hence, they seek anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners were only granted permission for silent rally. However, they have given hate communal speech. Further he submits that no individual has given any complaint against the petitioners and the co-



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accused has already been released on bail, also that no previous case is pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the rival submissions on either side and considering the facts that the no individual have given any complaint against the petitioners, the co-accused has already been released on bail, no previous case is pending against the petitioners and also considering nature of offences and the other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned *Judicial Magistrate NO.II, Nagapattinam*, 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 learned Magistrate concerned, and on further condition that:

[a] the petitioner shall report before the concerned Judicial Magistrate on every Monday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for the interrogation.

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



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

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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