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Crl.O.P.No.28516 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 295A and 504 of IPC in Crime No.650 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner, on 25.10.2023, had put up an objectionable post in his facebook ID and it was circulated and naturally was made available to many of the contacts of the petitioner, who would also have recirculated it to their contacts, which would naturally be recirculated to a number of contacts across the globe. The main act of the petitioner is condemnable as he neither represents any community nor he should bear the weight on his shoulders. He should not comment upon and particular community or express any opinion on other religion or on any community. This restraint would be to his interest. If he wants to come into the limelight, he can go over to a Jail and interact with the unfortunate inmates and motivate them. He need not have engaged himself



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in putting up the post complained of. The fact is that the petitioner had removed the objectionable post on the day when the matter was listed earlier on 23.01.2024. To that extent, I hope that the petitioner would have repented for the post which he had put up, for which he is now in the position as an accused in the eyes of law.

3. A counter affidavit filed by the learned Government Advocate (Criminal Side) stating that the objectionable post would have created agony to those who belonged to that religion. It is stated that however, the respondent had proceeded with their investigation and had recorded the statements of witnesses and also sent details through letter to Cyber Crime Cell at Coimbatore to obtain details about the Facebook ID. It is stated that if the petitioner does not co-operate during the course of investigation or if anticipatory bail is granted, then investigation would come to an end.

4. However, let me strike the a balance and hope that the petitioner would realize his responsibility to society.

5. Taking an over all consideration of the entire facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain



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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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, 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.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence



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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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