



CRL OP(MD). No.14691 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14691 of 2024

Kathiravan @ Kadhiraavan Kumar

... Petitioner/Sole Accused

Vs

The Sub-Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.127 of 2024

... Respondent/Complainant

For Petitioner : Mr.K.Muthuvali Ilayaraja
Advocate.

For Respondent : Mr.A.Albert James
Government Advocate (Crl. side)

For Intervenor : M/S.Kalantar Aasik Academy

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.127 of 2024 on the file of the Respondent police.



CRL OP(MD). No.14691 of 2024

ORDER : The Court made the following order :-
WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 196(1), 299 and 353(2) of BNS, in Crime No.127 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner shared a post along with the comment in a social media against the Muslim community. Hence, the complaint.

3. The learned Government Advocate as well as the learned Counsel for the intervenor would oppose the grant of anticipatory bail.

4. The learned counsel for the intervenor would submit that the petitioner portrays, as if, all the persons, who are Muslims are terrorists. Therefore, it is a hate speech and anticipatory bail should not be entertained by this Court.

5. The learned Government Advocate (Crl. side) would also submit that not stopping with that, he has also indulged in vilification of the Police Department.



CRL OP(MD). No.14691 of 2024

WEB COPY

6. Considering the nature of allegation that the that the petitioner shared a post along with the comment and in the second instance, he has made a comment in a social media i.e., on Facebook and considering the argument of the learned Counsel for the petitioner that the petitioner being a political party member had commented, however, he will not post such comments hereafter and that he will file an affidavit before the trial Court that he will come out of the social media, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

7. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameshwaram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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;



CRL OP(MD). No.14691 of 2024

WEB COPY

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(c) As undertaken, an affidavit stating that the petitioner will come out of the social media shall also be filed before the learned Magistrate concerned.

(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 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]; and;



CRL OP(MD). No.14691 of 2024

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
03/09/2024

/ TRUE COPY /

/09/2024

Sub-Assistant Registrar (CS- I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

jbr

TO

1. THE JUDICIAL MAGISTRATE, RAMESHWARAM,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3.THE SUB-INSPECTOR OF POLICE,
MANDAPAM POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MUTHUVAI ILAYARAJA, Advocate (SR-10806[I] dated
03/09/2024)

ORDER
IN

CRL OP(MD) No.14691 of 2024
Date :03/09/2024

RK/SG (24/09/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023

<https://www.mhc.tn.gov.in/judis>