



CRL OP(MD). No.16600 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16600 of 2024

G Mohan,

... Petitioner/ Accused

Vs

The State of Tamil Nadu Rep By,
The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District,
Cr.No.208 of 2024..

...Complainant / Respondent

For Petitioner : M/s.K. Balu, Advocate.

For Respondent : Mr.Veerakathiravan,

Additional Advocate General
Asst by Mr.R.M.Anbunithi,
Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.208 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 197(2) & 353(2) of BNS, 2023, in Cr.No.208 of 2024, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel for the petitioner would submit that the petitioner is really interested in the temple and the sentiments of Hindus. As a matter of fact, the statement made by him, he is not any verification or spreading of rumor but he has only stated that the government should be careful about this.

4. The learned Additional Advocate General would submit that the case has to be firmly dealt with. Earlier allegations are made as if animal fat is contained in panchamirtham. Now, this petitioner has gone ahead and said that as if that the contraceptive tablets are being mixed in the panchamirtham. There is no end for the imagination and vilification campaign of all the petitioners and unless and otherwise, the petitioner is arrested and custodial interrogation is made, the intention behind all the petitioners towards the sudden vilification campaign with reference to the panchamirtham of Palani Temple cannot be unearthed and therefore, he submits that this case requires custodial interrogation and this Court should not enlarge the petitioner on anticipatory bail.



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5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Even in the other case, the learned Additional Advocate General has made a categorical statement that the panchamirtham is made out of cow ghee and other natural ingredients in a pure manner so as to benefit being the prasada of the temple, which the people believe that the deity is the healer of many diseases, having been made of navabhashanam by the siddhars and has immense faith and respect among the Hindus.

7. On a query by this Court, Mr. Balu, the learned Counsel appearing on behalf of the petitioner, has affirmed the fact that the petitioner neither enquired with the Department or the Panchamirtham Making Authority nor verified any material before making such a statement.

8. In view of the above, considering the fact that it is an unverified statement made in a social media and considering the submission made by the learned counsel for the petitioner that the petitioner would delete the earlier statements made by him as not correct and it was made without verifying the fact, and that he will also issue a public advertisement in the leading newspapers, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. As per the undertaking given by the petitioner the petitioner shall upload the

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



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message in social media that the statement given by him is not correct and it was made without verifying the fact and also shall also issue a public advertisement in in one leading Tamil daily namely, Dinamani and in one leading English daily namely, Hindu, without prejudice to his rights and contentions.

10. At the time of surrendering, the petitioner should have already uploaded the message as stated above and should also issue a public advertisement in the leading news paers and produce the same before the learned Judicial Magistrate, Palani, at the time of execution of sureties.

11. On such conditions being made, the petitioner is ordered to be released on anticipatory 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, Palani, 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 three 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]; and;

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

sd/-
30/09/2024

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/ 10 /2024

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

DSS



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TO
WEB COPY

1 THE JUDICIAL MAGISTRATE, PALANI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE,
PALANI ADIVARAM POLICE STATION,
DINDIGUL DISTRICT,

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SARAVANAN, Advocate (SR-11992[I] dated 01/10/2024)

ORDER
IN
CRL OP(MD) No.16600 of 2024
Date :30/09/2024

PSP/ JGB /SAR /25.10.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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