



Crl.OP.No.1795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.1795 of 2025

Amudha

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime No.304 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.304 of 2024 on the file of the respondent
Police.

For Petitioner : M/s.K.G.Senthil Kumar

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 296(b), 352, 353 of BNS,



Crl.OP.No.1795 of 2025

2023 in Crime No.304 of 2024, seeks anticipatory bail.

WEB COPY

2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The case of the prosecution is that during the 116th birthday celebrations of the former Chief Minister Aringar Anna at Attur on 22.09.2024, the petitioner had criticized the Government of Tamil Nadu and its policies and defamed the Chief Minister and his family in a derogatory manner.

4. The learned counsel appearing for the petitioner submitted that the allegations are false and that in any case, custodial interrogation is not required; that the earlier anticipatory bail application was dismissed by this Court on 12.12.2024, since the affidavit filed by the petitioner did not



express regret; and that the petitioner has now filed an affidavit expressing remorse and apology.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that this is the 2nd anticipatory bail application of the petitioner and the 1st anticipatory bail application was dismissed 12.12.2024. He further submitted that the petitioner has now filed an affidavit expressing her regret.

6. The earlier anticipatory bail application was dismissed as by this Court on 12.12.2024 in Crl.O.P.No.30060 of 2024 with the following observations:

“This Court is not satisfied with the affidavit filed by the petitioner, which is claimed to be one of apology, without any whole-hearted repentance. In such circumstances, this Court feels that it is not a fit case for grant of anticipatory bail and thereby, the petition is liable to be dismissed. Accordingly, it is dismissed.”

7. The petitioner has now filed an affidavit which reads as follows:

“3. I most respectfully submit at the very outset, I express



WEB COPY



CrI.OP.No.1795 of 2025

my deepest remorse and apology for the alleged speech in derogatory nature delivered by me on 22.09.2024, in the 116th Birthday Celebrations of former Chief Minister Arignar Anna during which I indulged in criticism in respect of the Hon'ble late former and present Chief Minister, his family members and other cabinet ministers against which the present case has been foisted. Further, I submit that such remarks and criticism were not made with any intention to defame or calumniate them and also I in no way attempted to take advantage of the freedom of speech guaranteed to me under the Constitution.

4. I hereby undertake to maintain respectful and constructive communication at all times in future. I hereby humbly undertake, not to make any derogatory or inflammatory statements in any public or private capacity directly attacking individuals going forward. With sincere respect to this Hon'ble Court, while also committing to ensure that my future speeches and actions reflect a respectful, responsible, and professional demeanor. I further submit that this undertaking is made in good faith to recognize the value of maintaining a tone of respect, civility, and dignity in all my future interactions and communications. I am definitely remorseful of having made the alleged speech and I undertake and assure this Hon'ble Court not to indulge in any similar act in future."

8. Considering the aforesaid facts, the nature of allegations, and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY

9. 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 is made ready, before the **Judicial Magistrate-I, Attur, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 appear before the respondent police 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



CrI.OP.No.1795 of 2025

Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 269 BNS.

12.03.2025

Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Thirupathur PEW Police Station,
Thirupathur District.

2. The Judicial Magistrate-I,
Attur, Salem.

3.The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.OP.No.1795 of 2025

SUNDER MOHAN , J.

dpa

Crl.O.P.No.1795 of 2025



WEB COPY



CrI.OP.No.1795 of 2025

12.03.2025