



Crl.OP.No.4973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4973 of 2025

A.Senthilkumar @ Barath Senthil

...Petitioner

Vs.

The State rep by
The Inspector of Police (Law and Order),
C3 Saibaba Colony Police Station
Coimbatore.
(Crime No.39 of 2025)

.. Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.39 of 2025 pending investigation on the file of the respondent police.

For Petitioner : M/s.S.Venkateswaran

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who



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was arrested and remanded to judicial custody on 28.01.2025, seeking bail in Crime No.39 of 2025 registered for the offence under Sections 192, 196, 352, 353 (2) of BNS Act.

2. The case of the prosecution is that the petitioner posted a message in his Facebook account containing defamatory statements about the Chief Minister and an abusive and a vulgar picture depicting him as a Supporter of Muslims wherein the Chief Minister was shown as holding a green cloth in a bare body and that the post was intended to promoted hatred between the persons belonging to different religions.

3.The learned counsel appearing for the petitioner submitted that the petitioner lost his son in an accident on 07.03.2025 and considering the period of incarceration, the fact that the facebook message and the picture has been removed and since further custody is not required and sought for bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



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the prosecution case and submitted that this is not a first instance where the petitioner has indulged in such activities; that the petitioner had also broken the statue of Thanthai Periyar in the State of Tamil Nadu; that there are two previous cases, one is of public nuisance and other for damaging the Periyar Statue and he is on bail in those cases.

5. Considering the period of incarceration, the fact that the post of the petitioner in the Facebook account has been removed, the petitioner is on bail in the other cases this Court is inclined to grant bail to the petitioner with certain conditions. However, it is made clear that considering the antecedents of the petitioner that if he indulges in such similar activities, bail granted would stand cancelled.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No-VII, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 269 B.N.S.

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Index : Yes / No

Internet : Yes / No

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To

1.The Inspector of Police (Law and Order),
C3 Saibaba Colony Police Station
Coimbatore.

2.The Judicial Magistrate No-VII, Coimbatore.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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