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CrI.O.P.No.11533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.11533 of 2025

1. P.Srinivasan

2. K.Manikandan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Deevattipatti Police Station,
Salem District.

... Respondent

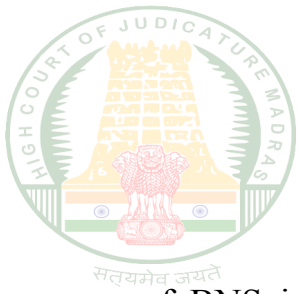
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.145 of 2025 on the file of respondent Police.

For Petitioners : Mr.G.Karthikeyan, Senior Counsel
for Ms.Jagadeeswari

For Respondent : Mr.V.Meganathan
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 196(2), 299, 353(1)(c), 353(3)



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of BNS in Crime No.145 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the accused incited communal riot between two groups, by telecasting a programme titled “Land Jihad in Salem”, in their Youtube Channel 'Sri TV'. Hence the case.

3. The contention of the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He further submitted that a false complaint has been registered against the petitioners alleging that they are responsible for causing communal disharmony and for creating hatred between two communities by telecasting the exaggerated and manifested version of the incident. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners. He further submitted that in Kadaiyampatty Taluk, a particular place adjacent to a temple was utilized by a different group of people for their worship and when the same was objected, a Tahsildhar, who belongs to a different religion, was taking steps to allot 10 cents of the said land



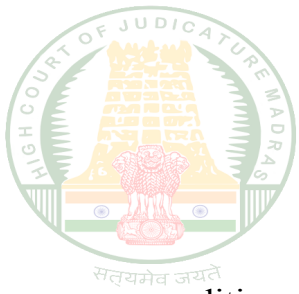
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for the said group of people to offer their prayers. This caused sensation in that area, thereby, the initiative made by the Tahsildhar was restrained due to the complaint pending before the District Collector, Salem and the enquiry is also pending with RDO and after detailed enquiry, proper orders will be passed. This being so, the accused had covered the news, interviewed certain persons and telecast the same in their Youtube channel and caused communal disharmony. Thereby, Head Quarter Deputy Tahsildar, Kadaiyampatty Taluk had lodged a complaint against the petitioners and others and based on which, the present case was registered.

5. At this juncture, the learned counsel for the petitioners submitted that the broadcast of a programme titled “Land Jihad in Salem” was long back and he further undertakes that if there is any wrong understanding with regard to the said programme, the petitioners will not telecast the same till the completion of the case. He further submitted that the petitioners are ready to co-operate for the investigation.

6. Heard both sides and perused the materials available on record.

7. Considering the submissions made by the learned counsel appearing on either sides and taking note of the undertaking given by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain



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conditions.

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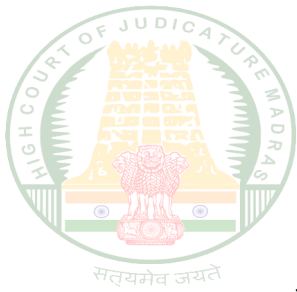
8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Omalur**, on condition that the petitioners shall execute separate bond each 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] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] **the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;**

[d] the petitioners shall not abscond either during



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investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate No.I
Omalur.
2. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

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