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Crl.O.P.No.14401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.14401 of 2025

R.Kanagasubbu Rathinam

... Petitioner

Vs.

1. The State Represented by:-

The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City,
Coimbatore District.
(Cr.No.121 of 2025)

... Respondent

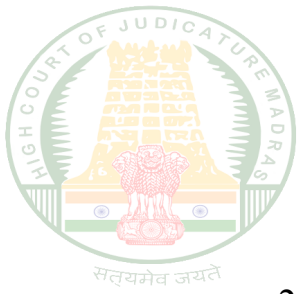
PRAYER: Criminal Original Petition filed under Section 482 of B.N.S.S.,
to enlarge the petitioner on bail in the event of arrest by the respondent
police in Crime No. 121 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Vetrivels

For Respondent : M/s.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the alleged offences under Sections 192, 196 325 and 353(2) of
BNS in Crime No.121 of 2025, seeks anticipatory bail.



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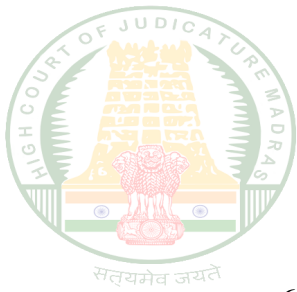
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2. The case of the prosecution is that the petitioner is a You Tuber. He has posted the video clippings in the Youtube Channel namely "Kavanagar Karjanai" creating communal harmony between the people of different religious faith. According to the prosecution, the said video creates unnecessary untrust between two religious groups. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and ready to abide by any condition imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the case and he opposed for grant of anticipatory bail to the petitioner.

5. The petitioner has filed an undertaking that he will not repeat the same and the video will be deleted from the You Tube Channel. The said undertaking becomes part and parcel of the order. If there is any violation of this undertaking, anticipatory bail granted to this petitioner by this Court stands automatically cancelled and further the respondent police is at liberty to file a fresh FIR and to prosecute the petitioner.



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6. A scanned reproduction of the Affidavit filed by the petitioner is as follows:-

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)**

Crl. O. P. No. of 2025

**In
Crime No. 121/2025**

(ON THE FILE OF RESPONDENT POLICE)

R. Kanagasubbu Rathinam @ Ganaka Subbu Rathinam (M/75)
S/o. Ramiah,
Kailayakudi, D.No.1/8,
Manoj Nagar, Kannampalayam,
Sulur,
Coimbatore District.

... Petitioner/Sole Accused

-Vs-

The State Represented by,
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City,
Coimbatore District.
(In Crime No. 121/2025).

... Respondent/Complainant

AFFIDAVIT OF UNDERTAKING

I, R. Kanagasubbu Rathinam @ Ganaka Subbu Rathinam,
Son of Ramiah, Male aged about 75 years, residing at Kailayakudi,
Door No.1/8, Manoj Nagar, Kannampalayam, Sulur, Coimbatore
District do hereby solemnly affirm and sincerely state as follow :-

1. I state that I am the petitioner herein as such I am well
acquainted with the facts and circumstances of the case

** [Signature]*



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2. I state that I am apprehending arrest in Cr. No. 121 of 2025 on the file of Respondent Police for alleged offences under Sections 192, 196, 325, 353 (2) of BNS.
3. I state that the case of the prosecution is that the de-facto complainant namely Sivakumar, S/o. Parameswaran is a political functionary in the DMK party and that on 13.03.2025 at about 09.30 pm he was talking to his friends near Ramesh Mess regarding the political activities.
4. It is alleged in the complaint that in the youtube channel namely kavanagar Karjanai, I had posted a video damaging the reputation of his party and also made statements in order to create enmity between two sects of people in the locality. Hence the complaint.
5. I state that I was served with summons by the Respondent police on 08.04.2025 wherein I had appeared for enquiry and deleted all the videos and information contained in the you tube channel.
6. I state that I am an agriculturist and a law-abiding citizen and never involved in to any crime earlier and this time also.

* Dr. Loggijilla



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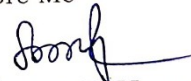
7. I state that I tender my apology for posting of such video in the you tube channel and I will not indulge in such activities in future and the above said mistake is neither wanton nor willful.
8. I further state that I am willing to abide all conditions imposed by this Hon'ble Court and have sufficient and acceptable sureties. I will not abscond and undertake to appear before the Hon'ble Court. I state that I have also deleted the alleged post in my Instagram account as per the directions of this Hon'ble Court.
9. I state that I crave leave of this Hon'ble Court to accept this undertaking affidavit and pass suitable orders, on the contrary no prejudice would be caused to the respondent.

It is therefore prayed that this Hon'ble Court may be pleased to accept this undertaking affidavit and pass such further orders or other orders as it deems fit and thus render justice.

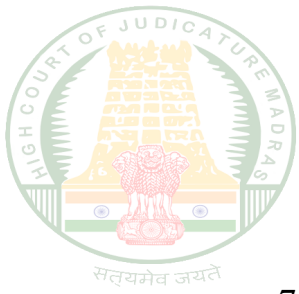
Solemnly affirmed at Coimbatore
this the 21st day of May, 2025
explained in Tamil signed his in my presence
Advocate, Coimbatore

*

Before Me



S. SAMPATH, M.B.A., B.L.,
ADVOCATE (MS.No:26/2001)
No.7, Aishwarya Complex,
Gopalapuram, 1st Street,
Coimbatore - 18. Cell: 98651 27273



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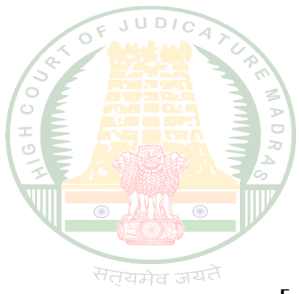
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7. Recording the undertaking given by the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, this Criminal Original Petition stands allowed and 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 VII, Coimbatore** 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 learned Magistrate concerned and on further condition that:

(a) **the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m on every Monday to Friday and shall appear before the respondent police at 10.00 a.m on every Saturday and Sunday until further orders;**

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

22.05.2025

Vv

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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N.SENTHILKUMAR,J.

Vv

To

1. The XXIII Metropolitan Magistrate Court, Saidapet, Chennai-15
2. The Inspector of Police,
All Women Police Station,
Virugambakkam, Chennai-92.
3. The Public Prosecutor,
High Court of Madras.

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s22.05.2025