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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.953 of 2025

Senthil @ Senthil Mallar

... Petitioner / A1

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
(Crime No.379 of 2024)

... Respondent / Complainant

For Petitioner : Mr.P.Jeyasankar,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 379 of 2024 on the file of the respondent

Police

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



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 196 and 352 of BNS 2023, in Crime No. 379 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. When the matter came up for hearing on 22.01.2025, this Court has passed the following order:

"This Court heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing on behalf of the respondent police and also the learned counsel appearing on behalf intervenor. of the

2. On going through the materials, this Court is able to see that the petitioner is repeatedly indulged in making provocative statements during his speeches. Even on earlier occasion, when he wanted to publish some books, it was banned by the Government considering the nature of allegations made in the book and this Court came to the rescue of the petitioner by advising the petitioner not to make such provocative



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statements and to remove those portions from the book and publish the same. In spite of such advice given by petitioner continues provocative this Court, to statements. the make such The transcript of the speech made by the petitioner was also placed before this Court and this Court finds that the petitioner is once again involved in making such provocative statements.

3. When this Court was not inclined to grant anticipatory bail to the petitioner, the learned counsel for the petitioner submitted that the petitioner will file undertaking affidavit before an this Court that he will not give any public speech henceforth and make any inflammatory statements in future.

4. Considering the above submission, this Court wants to await for the affidavit to be filed by the petitioner. On going through the same, further orders will be passed in this petition.

5. Post this case on 27.01.2025."

3. Pursuant to the above order, an undertaking affidavit has been filed before this Court and the relevant portion is extracted hereunder:



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"3. I respectfully submit that, I am regret and my sincere apologies for using derogatory words against the State Government, Police Officials, Government Officers and Leaders. Further, hereby I hereby assures won't that, in public places, I participate any demonstration meant for of the degrading other community peoples and I will take extra care to not to use any such derogatory words in future. I will be decent person in future and I will duly comply the order of this Hon'ble High Court, here after."

4. Considering the above undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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 made ready, before the learned Judicial Magistrate No. IV, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like a 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:



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[a] the petitioners 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 report 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 conditions, of any of the aforesaid the learned Magistrate/Trial Court is entitled to take appropriate petitioner in accordance with action against if as law the 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 of BNS 2023.

Sd/-
27/01/2025

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/02/2025
Sub-Assistant Registrar
(C.S- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TRIUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.953 of 2025
Date :27/01/2025

ES/SKN/SAR /10.02.2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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