



CRL OP(MD). No.3458 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Surendhar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Cr. No.43 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.M.Beema Rao

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

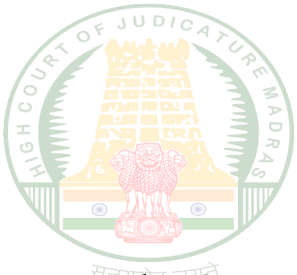
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.43 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 20.02.2025



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

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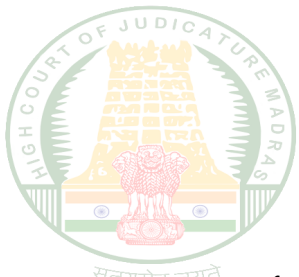
2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 196 and 353(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.43 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.02.2025, the petitioner posted derogatory remarks in his facebook account, namely, surendhar Nikhil Vhp, regarding the Thirupparangundram Hill Dharga issue with an intention to disturb religious harmony. A2 also commented on the petitioner's post in a way that was detrimental to religious harmony. Hence, this case.

4. Mr.M.Beema Rao, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner did not post the same with an intention to disturb religious harmony and now, he removed the same from his facebook account. He undertakes that the petitioner will not post such type of post in future. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side)

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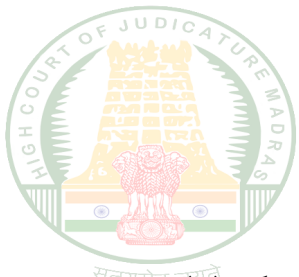
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for the respondent-Police, submits that the petitioner posted derogatory remarks in his facebook account, namely, surendhar Nikhil Vhp, in order to disturb religious harmony. He further submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has removed the post from his facebook account. The learned counsel for the petitioner undertakes that the petitioner will not post such type of post in future. Considering the same and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Uthamapalayam, Theni, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni;



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Uthamapalayam, Theni, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni;

(iv) As per the undertaking given by the learned counsel for the petitioner, the petitioner shall file an affidavit before the Judicial Magistrate, Uthamapalayam, Theni, or Trial Court stating that he will not post such inflammatory writings or post in social media;

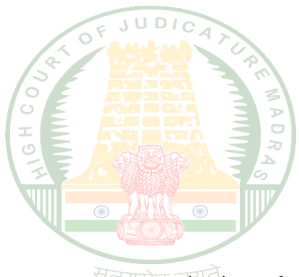
(v) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(vi) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(viii) The petitioner shall not leave India without previous permission of the Court;

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(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto-complainant and witnesses and shall not tamper the evidence; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, Theni, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
06.03.2025

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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1. The Judicial Magistrate,
Uthamapalayam, Theni.

2. Do-Through The Chief Judicial Magistrate,
Theni District.



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3. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.3458 of 2025
Date : 06/03/2025

SL(21.03.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.