



CRL OP(MD).No.6334 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD).No.6334 of 2025

Ebanesar @ Ebanesar Pandian, ... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.161 of 2025..

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime no.161 of 2025 on the file of the Respondent-Police.



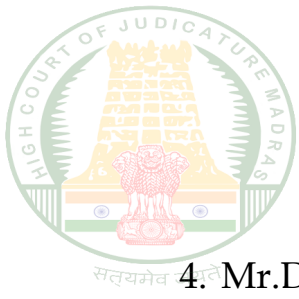
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ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Sole accused apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 192, 352 and 353(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.161 of 2025 on the file of the respondent police.

3. The case of the prosecution is that based on the secret information, the defacto complainant/respondent-Police verified the instagram ID of the petitioner. In the ID, the defacto complainant found that the petitioner posted his photo standing with a sickle and below the photograph it was written as '*Alagu Devendran, Unnankulam*'. The Nanguneri is a communal sensitive area. The act of the petitioner amounts to giving provocation with an intent to cause Riot and provoke breach of peace. Hence, the case.



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4. Mr.D.Venkatesh, 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 would further submit that a false case has been registered against the petitioner. He would further submit that the petitioner is willing to abide by any conditions imposed by this Court. He would further submit that the petitioner and his mother filed two undertaking affidavits. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent Police submits that in the instagram ID, the petitioner posted his photo standing with a sickle and below the photograph it was written as '*Alagu Devendran, Unnankulam*'. He further submits that Nanguneri area is communal sensitive area and the petitioner wantonly and intentionally post the above said posting with an intention to cause Riot and to create law and order issued in the locality. He further submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of crime. Hence, he vehemently opposed the grant of pre-arrest bail to the petitioner.

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



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7. The petitioner and his mother filed separate undertaking affidavit and the petitioner has a permanent residence, there is less possibility of absconding. Considering the undertaking affidavit filed by the petitioner and his mother that he will not post any kind of photographs or share any kind of posts, which may create communal tension and also considering the fact that the petitioner has no previous case and in order to afford one more opportunity to the petitioner to reform himself in the society, 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, Nanguneri, within a period of 15 days from today, 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, Nanguneri,.

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

(iii) 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, Nanguneri, shall obtain a copy of



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any one of identity proofs to ensure their identity;

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(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Nanguneri.

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Nanguneri, 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/-

23/04/2025

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Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.



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TO
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- 1.The Judicial Magistrate,
Nanguneri.
- 2.The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.VENKATESH, Advocate (SR-4723[I] dated 24/04/2025)

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Date : 23/04/2025

KVL/26.05.2025 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023