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CrI.OP.No.20677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.20677 of 2022

V.Kannan @ Kanal Kannan

..Petitioner

Vs.

State rep. by  
Inspector of Police,  
Chennai City Central Crime Branch,  
Vepery, Chennai-600 007.  
(C.C.B. Crime No.78 of 2022).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.78 of 2022 on the file of the Inspector of Police, Chennai City CCB, Chennai.

For Petitioner : Mr.R.C.Paul Kanagaraj  
For Respondent : Mr.A.Damodaran,  
Additional Public Prosecutor  
For Intervenor : Mr.D.Arun

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 15.08.2022 for the offence under Sections 153, 505(1)(b) and



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505(2) of IPC in crime No.78 of 2022 on the file of the respondent  
police, seeks bail.

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2. The case of the prosecution is that in a public meeting organized by the Hindu Munnani, as an office bearer of Hindu Munnani, the petitioner made a statement that, Sri Rangam Ranganathar Temple is a holy one, but near the entrance of the temple a statue of a person who is an atheist has been erected with the words “who believes in god is a fool, who workship God is a barbarian and who propagates about god is a rascal” and since the statue and the words hurt the sentiments of the hindus, the same has to be demolished. Hence, the case.

3. It is seen that the petitioner had spoken hate speech to remove the statue of Periyar. He also belongs to one political party. That speech was up-loaded in the you-tube and it became viral in social media.

4. However, considering the period of incarceration by the petitioner from the date of his arrest i.e.15.08.2022, this Court is



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inclined to grant bail to the petitioner. Accordingly, the petitioner shall file an undertaking affidavit before the learned Magistrate concerned undertaking not to speak about any political leader in future and on such undertaking, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the **Addl Chief Metropolitan Magistrate Court, Egmore, Chennai** and on further conditions that:

[a] 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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

**[c] the petitioner shall file an undertaking affidavit before the learned Magistrate concerned undertaking not to speak about any political leader in future, at time of execution of bond.**

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

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



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[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl



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**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The Addl Chief Metropolitan Magistrate Court,  
Egmore, Chennai.
- 2.The Inspector of Police,  
Chennai City Central Crime Branch,  
Vepery, Chennai-600 007.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,  
High Court of Madras

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