



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eleventh day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10561 of 2016

1 NAGESHWARAN
2 M.GANDHI
3 G.GOPALAKRISHNAN

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

STATE THROUGH ITS
THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.79/2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SUKUMAR Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

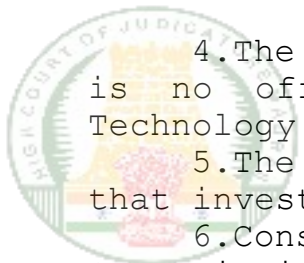
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) IPC and Section 66 of Information Technology Act, 2000, in Crime No.79 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to enmity between the de facto complainant and the petitioners, the petitioners sent false statement about the de facto complainant in Whatsapp and when the same was questioned by the de facto complainant, the petitioners went to the house of the de facto complainant with deadly weapons and threatened him with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the second petitioner is the father and petitioners 1 and 3 are his sons and they are hailing from respectable family and they are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner is working as Vice-Principal in Ramanathapuram Mannar Matric Higher Secondary School, the second petitioner is working as Postman and the third petitioner is working as an Assistant Manager in a Private Insurance Company. Due to previous enmity between the families of the petitioners and the de facto complainant, a false complaint has been given.



4.The learned counsel for the petitioners submitted that there is no offence made out under Section 66 of the Information Technology Act, 2000.

5.The learned Government Advocate (Criminal side) submitted that investigation is pending.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 06.00 p.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

11/07/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, PARAMAKUDI, RAMANATHAPURAM DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE, CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

+One cc to M/S.S.SUKUMAR, Advocate, SR.No.35950
RL/6C/2P/ARK/PV/SARI/14/7/2016

ORDER

IN

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Date :11/07/2016