



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13182 of 2017

M.MALAVIYA,

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE,
NANGANERI POLICE STATION,
TIRUNELVELI.

... RESPONDENT

For Petitioner : M/S.N.THAMIMUL ANSARI Advocate

For Respondent : Mr.C.Ramesh, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294 (b), 506(i) IPC., and 66(A) IT Act in Crime No.197 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.08.2016 the defacto complainant made a complaint that 13.09.2016 and 16.09.2015, the petitioner threatened and abused on Sathyabama, Sub Inspector of Police in filthy language through phone call and sent a message from his Whatsapp and sent a voice message on 23.01.2016 to the said Sathyabama. Hence, the defacto complainant made a complaint with the respondent police and the same was registered in the Crime No.197 of 2016.

3.The learned counsel for the petitioner submitted the petitioner is a law abiding citizen hailing from a respectable family and he made some serious allegation against some Police authorities, regarding the suicide case of VishnuPriya I.P.S. Hence, in order to take revenge, the respondent police foisted this Criminal Case against the petitioner.

4.The learned Additional Public Prosecutor submitted that one Udhayakumar, who is the president of Panchayat Union, Marukalkuruchi, is the defacto complainant in this case and he is a
Services of Gov. of India
Inspector of Police. The petitioner, who is practising as an Advocate in the Madurai Court has sending a message daily through



phone to the said Sathyabama, when the defacto complainant questioned the same, the petitioner is said to have threatened the defacto complainant with dire consequences. Therefore the case was registered.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Nanganeri, on condition that the petitioner herein shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties for a like 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 and on further condition that the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
28/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGANERI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.13182 of 2017
Date :28/09/2017

SM:RR:SAR I:5.10.2017:2P/5C