



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

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13192 of 2017

S.SANTHANAMAHALINGAM

**... PETITIONER / ACCUSED
RANK NOT KNOWN**

Vs

**THE STATE THROUGH,
THE INSPECTOR OF POLICE
NERKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.58/2017**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S MALAIKANI for M/S.S.RAJASEKARAN ALIAS Advocate

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

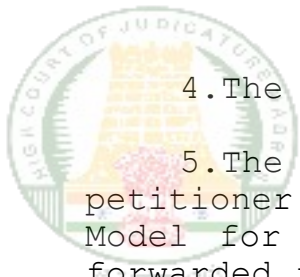
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as an accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153 and 505 of IPC in Crime No.58 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner being a teacher and a member of teachers committee, made a protest against the Government for certain benefits. Some of the Whistle-blowers filed writ petitions before the Division Bench of this Court as well as before the learned Single Judge of the Principal Bench of this Court against the protest of Association, where the petitioner, being a Member and after considering the arguments, the Court was pleased to pass orders against the petitioner Association. Hence, in order to defame the Hon'ble Judge of this Court, the petitioner created frivolous messages against the Hon'ble Judge and forwarded the same to other persons. On seeing the same, the respondent police registered a case against the petitioner. Aggrieved by the same, the petitioner filed the anticipatory bail application.

3.Today, the petitioner appeared before this Court and tendered unconditional apology accepting his guilty. He has also given an undertaking that he will not commit any such offence in future.



4.The said statement of the petitioner is recorded.

5.The action of the petitioner is most unfortunate. Since the petitioner is working in a noble teaching profession, he should be a Model for the students, but he created an unethical messages and forwarded the same to the other groups. However, after considering the unconditional apology tendered by the petitioner and taking into consideration of the fact that the very same teaching community rendered valuable service for the students community, this Court, considering the case of the petitioner on sympathetic grounds, is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirupathur, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 petitioner shall report before the respondent police as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not commit any offence while on bail;

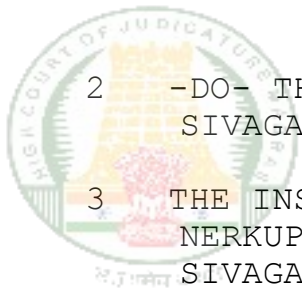
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
23/10/2017

/ TRUE COPY /

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

TO



2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
NERKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MALAIKANI Advocate SR.No.32955

ORDER
IN
CRL OP (MD) No.13192 of 2017
Date :23/10/2017

MV:CM-MSA:SAR2:26/10/2017/3P/6C