



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

Friday, the Third day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.14643 of 2017

KANNAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
ALANGANALLUR, MADURAI DISTRICT.
(CRIME NO. 438/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.KARMEGAM Advocate

For Respondent : MR.T.MOHAN Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

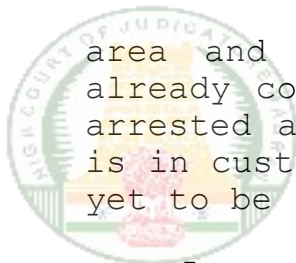
ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 25.08.2017 for the offences punishable under Sections 153(A), 505(10)(c), 505(2) of IPC and Section 66 of Information Technology Act, 2000 in Crime No.438 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner designated the particular leader in disgraced manner in Face Book by using his mobile phone.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner always respecting all community peoples and all leaders and at no point of time, he did have the intention of spreading hatred among other community people.

4.The learned Additional Public Prosecutor would submit on instructions that petitioner is the sole accused in this case and the present petition filed fourth time by the petitioner seeking bail. Earlier bail petitions in CrI.O.P.(MD)Nos.11970 & 12438 of 2017 were dismissed by this Court on 11.09.2017 & 20.09.2017 respectively. Another bail petition in CrI.O.P.(MD)No.13106 of 2017 was dismissed as withdrawn by the petitioner herein on 04.10.2017. He further submitted that there is no tension prevailing in that



area and there is no picketing as Thever Jeyanthi function has already come to an end. He also submitted that the petitioner was arrested and remanded to judicial custody on 25.08.2017 and now he is in custody and the investigation is completed and charge sheet is yet to be filed.

5. Considering the facts and circumstances of the case and considering the fact that the investigation is completed and charge sheet is yet to be filed, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner 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 learned Judicial Magistrate, Vadipatty.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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].

sd/-

03/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 OFFICER IN CHARGE, BORSTAL SCHOOL, MELUR.
- 4 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
ALANGANALLUR, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K. KARMEGAM Advocate SR.No.33827

ORDER IN

CRL OP(MD) No.14643 of 2017

Date : 03/11/2017