



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18037 of 2017

V.VIJAY

... PETITIONER/ACCUSED(RANK NOT KNOWN)

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.569 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.THANGARAJA, Advocate
for Mr.G.KARUPPASAMY PANDIAN 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 :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 500 and 505 of IPC r/w Section 69 of Information Technology Act in Crime No.569 of 2017 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Kanagaraj, AIADMK Advocate, had lodged a complaint stating that the accused have made morphing of the Chief Minister shirt packet as if it contained the photo of the Prime Minister and hence the respondent police registered a case.

4. The learned counsel for the petitioners submitted that the petitioner is innocent and is only a group admin of a Whatapp Group and only based on the confession of A1 and A2, the petitioner has been falsely implicated in this case. Accordingly, he prays for anticipatory bail.

5. Learned Government Advocate (Crl. Side) would submit that the petitioner has no previous cases. He further submitted that ~~actually, there~~ are 16 group admins arrayed as accused and the petitioner is one of the 16 group admins and the respondent police

found that accused no.1 has committed the mischief.

6. Considering the facts and circumstances of the case and taking note of the fact that petitioner has no previous case and he is one of the 16 group admins alleged to have involved in this case and even according to the respondent police A1 has committed the mischief, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, **before the Judicial Magistrate No.I, Kanyakumari**, on his executing 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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

[d] 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 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/-

28/12/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO I
KANYAKUMARI

<https://hcservices.ecourts.gov.in/hcservices/>

2

-cc- thro THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT



3 THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION, KANYAKUMARI DISTRICT.

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

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+1. CC to Mr.G.KARUPPASAMY PANDIAN Advocate SR.No.12.

ORDER
IN
CRL OP (MD) No.18037 of 2017
Date :28/12/2017

sj/rmi
SH/CM-VR/SAR-2:03.01.2018:3p/6c