

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17390 of 2018

R.VINNARASU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ST THOMAS MOUNT POLICE STATION,
ST THOMAS MOUNT, CHENNAI DISTRICT.
CR.NO.112 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.BHARATH KUMAR Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.112 of 2018 registered by the respondent police for the offences punishable under Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 501 of I.P.C.

2. Heard both sides.

3. The petitioner is arrayed as A3. The case of the prosecution as per the de-facto complainant one Sister A Seline Mary is that she is a member of a religious congregation and that the petitioner and two other accused, who are formerly members of the said congregation, were involved in works detrimental to the religious society and thereby, disciplinary action was initiated against A1 & A2 and they were suspended on 16.04.2018. The further allegation is that the petitioner along with the other accused joined together and sent anonymous defamatory and derogatory messages through social media imputing serious allegations against the de-facto complainant.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be an associate of A-1. He would further submit that A-1 has been arrested and thereafter, enlarged on bail. Therefore, he prays for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner along with the other accused joined together and sent anonymous defamatory and derogatory messages in the social media assassinating the character of the de-facto complainant and the founder of the de-facto complainant congregation in the social media.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels, I am inclined to grant anticipatory bail to the petitioner.

7. 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, Alandur on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

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

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

[e] 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ST THOMAS MOUNT POLICE STATION,
ST THOMAS MOUNT
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.BHARATH KUMAR Advocate on payment of necessary
charges in SR.NO. 12563

CRL OP.17390/2018

Date :09/07/2018

MLT-13/07/2018