



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1957 of 2018

1 R.N. MURUGAN

2 SHRI. M. JEYARAJ

... PETITIONERS / ACCUSED NO.1& 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
IN CR.NO. 163/2012

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.J.RAVINDRAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

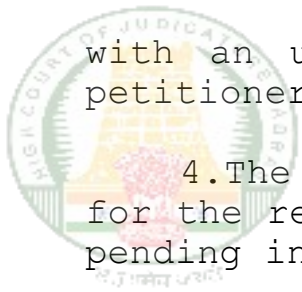
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A-1 & A-2, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986, in Crime No.163 of 2012, seek anticipatory bail.

2.The case of the prosecution is that one Paulraj by making false promise of marrying the defacto complainant's daughter, cohabited with her and thereafter refused to marry her, for which, F.I.R. was registered against the said Paulraj before the All Women Police Station. In this circumstances, the petitioners were reporting the said matter in their daily newspaper on 22.07.2012 without altering or changing the name of the victim. Hence, case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the news item was published in Dinakaran Daily in the year December 2012 that one Muneeswari was molested by Paulraj, based on the complaint given by the said Muneeswari's father, namely, Thiruvengadasamy before the respondent police. This news item was published in all the dailies. In fact, in most of the newspapers it was published as the said Muneeswari was raped by the said Paulraj. However, the defacto complainant



with an ulterior motive preferred the complaint against the petitioners. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that investigation is still pending in this case.

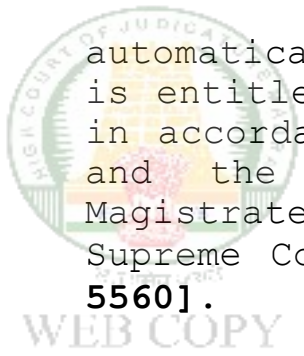
5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the first petitioner being the Editor of Dinakaran Daily and the second petitioner is the reporter of the same press, they published the news with regard to Crime No.1312 of 2012 registered by All Women Police Station, Srivilliputhur for the offence under Sections 417, 376 and 506(ii) I.P.C., According to prosecution, as of now, in the said case, charge sheet has been filed after completing investigation. While so, the same defacto complainant lodged a complaint before the respondent police that the petitioners herein published the above said news with ulterior motive. Now, considering the submissions made by the learned counsel appearing for the petitioners, it would reveal that the same news was published in various magazines. Accordingly, for the offence committed by the petitioners, nothing has to be recovered by way of custodial interrogation. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each 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 petitioners shall report before the S.H.O. Anna Nager Police Station, Madurai daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

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

(iii) the petitioners shall not abscond either during investigation or trial.

On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand



automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
08/02/2018

/ TRUE COPY /

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

MSA
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.KARTHIKEYAN Advocate SR.No.2144

GJM/RR/CSL/SAR-2-14.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1957 of 2018
Date :08/02/2018