



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.352 of 2018

1 ALAGUJOTHISHORUPAN  
2 V.VIJAY  
3 GANESHKUMAR  
4 C.BALASUBRAMANIAN  
5 R.SURENDRAN

... PETITIONERS / ACCUSED  
Rank Not Known

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.JAGADEESHA PANDIAN Advocate for  
Mr.B.VISWANATHAN, Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate ( Crl. Side)

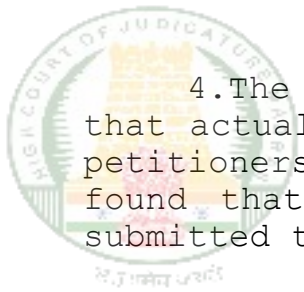
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 153A, 500, 505(1) (a) IPC and Section 65 of Information Technology Act, 2000 in Crime No.569 of 2017 on the file of the respondent police, seek 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.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and is only a group admin of a Whatsapp Group and only based on the confession of A1 and A2, the petitioners have been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioners 1, 3 to 5 and seeks permission of this Court to withdraw the petition in respect of the second petitioner-V.Vijay.



4.The learned Government Advocate (Criminal Side) submitted that actually, there are 16 group admins arrayed as accused and the petitioners are one of the 16 group admins and the respondent police found that accused No.1 has committed the mischief. She further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioners for the alleged offences under Sections 153A, 500, 505(1) (a) IPC and Section 65 of Information Technology Act, 2000. It is alleged that the petitioners are 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 petitioners.

**6.In view of the submission and endorsement made by the learned counsel appearing for the petitioners, this petition is dismissed in respect of the second petitioner.**

7.Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners 1, 3 to 5, with certain conditions. Accordingly, the petitioners 1, 3 to 5 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.I, Nagercoil, Kanyakumari District, on condition that each of the petitioners 1, 3 to 5 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 1, 3 to 5 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;

(iii) the petitioners 1, 3 to 5 shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners 1, 3 to 5 shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 1, 3 to 5 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1, 3 to 5 in accordance with law as if the conditions have been imposed and the petitioners 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/-  
09/01/2018

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WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,  
NAGERCOIL, KANYAKUMARI DISTRICT
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL
  - 3 THE INSPECTOR OF POLICE  
KANYAKUMARI POLICE STATION,  
KANYAKUMARI DISTRICT,
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI
- +1. CC to MR.B.VISWANATHAN Advocate SR.No.380
- JAM/11/01/2018/RR/ SAR 3 / 2P-6C

ORDER  
IN  
CRL OP(MD) No.352 of 2018  
Date :09/01/2018