



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7669 of 2018

1 JAYAN @ HUJIN ZACHARIA
2 MERLIN @ MINTO MERLIN
3 PANIDHASAN

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NITHIRAIIVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.99 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.K.SUYAMBULING BHARATHI,
Government 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 offence punishable under Sections 505 (1) (b) of I.P.C and section 67 of Information Technology Act, 2000, in Crime No.99 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a pastor in the Punitha Lousial Church at Eraimanthurai, Kanyakumari District. It is alleged that due to difference of opinion between the petitioners and other accused, and the defacto complainant, the petitioners criticized the defacto complainant in the social media.

3.The learned counsel for the petitioners submitted that the defacto complainant is an accused in two criminal cases and the petitioners are innocent and they have been falsely implicated in this case.



4. The learned Government Advocate (Crl. side) appearing for the respondent Police, on instructions, would submit that there are totally 9 accused in this case and the petitioners are arrayed as A3, A4 and A5 and the petitioners created some defamatory status in the face book against the complainant and the investigation is still pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.II, Kuzhithurai, on condition that each of the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily, at 10.30 a.m. until further orders.

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

[c] the petitioners 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 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/-
09/05/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

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

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

1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.8375

GJM/PMI/GSR/11.5.18-3P-6C

ORDER

IN

CRL OP(MD) No.7669 of 2018

Date :09/05/2018