



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5233 of 2019

MANOJ @ MANOJKUMAR

... PETITIONER/ ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHOCKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.200/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MOHAMED HANEEF Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

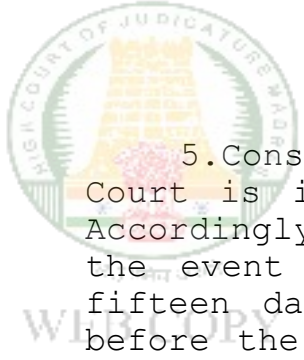
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 153(A)(1)(a), 505(1)(c) I.P.C and 67 of Information Technology Act, 2000, in Crime No.200 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 28.08.2018 at about 07.30 pm, the defacto complainant belonging to minority community, received an abusive message to his whatsapp number, which was sent by the petitioner by using filthy language against the defacto complainant's caste and his caste people with unparliamentary words. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence.

4.The learned Government Advocate(Crl.side) appearing for the State would submit that the petitioner and the defacto complainant are different Community and exchanged defamatory words through social media and hence, the case has been registered.



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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

(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 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]; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/04/2019

/ TRUE COPY /

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



1. THE JUDICIAL MAGISTRATE,
TENKASI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
CHOCKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.A.MOHAMED HANEEF Advocate SR.No.6452

ORDER
IN
CRL OP(MD) No.5233 of 2019
Date :08/04/2019

TK/PN/SAR-4/11.04.2019/3P/6C