



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5760 of 2019

1 K.KARTHIKEYAN

2 G.SANKARASUBRAMANIAN

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

TENKASI POLICE STATION,

TIRUNELVELI DISTRICT.

CRIME NO.237 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.J.KARTHICK, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

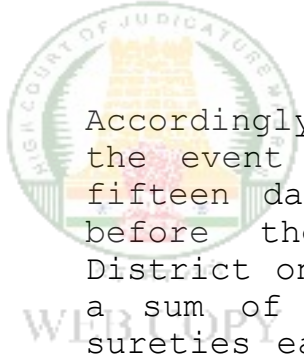
The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 171-G, 153A, 505(2) I.P.C. and Section 4 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, in Crime No.237 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners pasted pamphlets in many houses as if the political party insulted the Hindu sentiment, they will not be entitled to any vote from Hindu religious. On seeing the aforesaid pamphlets, the respondent police registered a case against the petitioners.

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

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that since the post creates mistrust to the villagers for which the respondent police registered a case.

5.Considering the facts and circumstances and considering the fact that the pamphlets were removed from the locality, 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, Tirunelveli District 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily for a period of two weeks and thereafter as and when required, until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]**; and;

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

sd/-

16/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
TENKASI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.R.J.KARTHICK Advocate SR.No.6948

ORDER IN

CRL OP(MD) No.5760 of 2019

Date :16/04/2019