



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5836 of 2019

1 MOHAMMED RAFI

2 ARIVARASAN

... PETITIONERS / ACCUSED No.1 and 3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT,
CRIME NO.190/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.BANUMATHY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

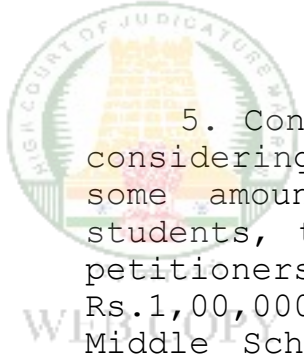
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 171 (G) r/w.505(1)(b) of IPC and Section 66 of I.T.Act 2008 in crime No. 190 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners made some defamatory statements and uploaded it in the social media. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. On instruction, he would further submit that the petitioners are ready to deposit Rs.1,00,000/- to the Government school for the welfare of the students.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are willing to deposit some amount to the Government school for the welfare of the students, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioner shall take D.D for Rs.1,00,000/- and hand over the Head Master, Bodi Municipality Middle School, Bodi for repairing and re-construction of toilets and thereafter sureties shall be accepted.

6. 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, Periyakulam on condition that the petitioner 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 are directed to take D.D for Rs.1,00,000/- and hand over the Head Master, Bodi Municipality Middle School, Bodi for repairing and re-construction of toilets and after construction of the same proof shall be filed to the CEO. Thereafter perusing copy of DD, sureties shall be accepted.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m until furthers

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

24/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-7412[I] dated 26/04/2019)

COPY TO:

THE HEAD MASTER,
BODI MUNICIPALITY MIDDLE SCHOOL,
BODI.

ORDER

IN

CRL OP(MD) No.5836 of 2019

Date :24/04/2019

JM/JC/SAR 1/02.05.2019/3P/7C