



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

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.6702 of 2019

M.THIRUNAVUKARASU

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
CUMBUM, THENI DISTRICT.
(CRIME NO.111/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKUMAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

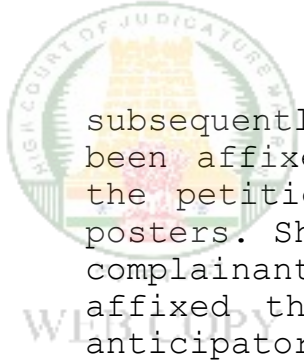
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of Tamil Nadu Prevention of Women Harassment Act (TNPWH) Act 2002 and Section 15 (1) and 12 of press and Registration of Book Act. 1867 in Crime No. 111 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that even as per the FIR, on 09.03.2019, the defacto complainant gave a complaint against one Selva @ Selvakumar, who is the son of the proprietor of Maya Hotel, in which, her husband was working. He further submitted that as per the FIR, the defacto complainant and the owner of the proprietor of Maya Hotel has settled the issue before the police station and hence the said complaint was disposed of. He further submitted that in the FIR, she has stated that the petitioner herein and another accused came to her house and informed her that they would have obtained money from the proprietor of Maya Hotel, but without their knowledge, she has settled the matter and hence they will affix posters with defamatory messages. She further stated that



subsequently she has noticed that in several places, posters have been affixed with defamatory statements and she came to know that the petitioner herein and one Veerapandiyan have affixed the said posters. She further submitted that even as per the FIR, the defacto complainant has not directly seen that the petitioner herein has affixed the aforesaid poster and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that only with a view to extract money from the defacto complainant and owner of the proprietor of Maya Hotel, the petitioner herein and one Veerapandian affixed the posters containing defamatory messages. She further submitted that investigation is still pending before the lower Court.

5.Taking into consideration of the aforesaid fact and also considering the fact that in the FIR, the defacto complainant has not specifically stated that she has seen that the petitioner herein has affixed the aforesaid poster, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Uthamapalayam, Theni District on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].



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

sd/-

04/06/2019

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/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
CUMBUM, THENI DISTRICT.

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

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-9105[I] dated 04/06/2019)

ORDER

IN

CRL OP(MD) No.6702 of 2019

Date :04/06/2019

JM/JC/SAR 2/18.06.2019/3P/6C