



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

Friday, the Fourteenth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.6709 of 2019

IMRAN @ MOHAMEDU IMRAN @
MOHAMED IMRAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.121 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.A.JINNAH Advocate

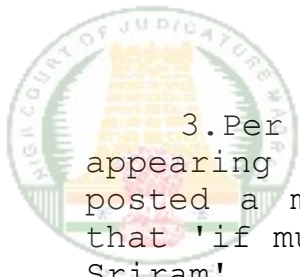
For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 295(A), 505(1)(b), 505(2) I.P.C r/w Section 67 of Information Technology Act, 2000 in Crime No.121 of 2018, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in the above case. He has further submitted that already, the petitioner has filed Crl.O.P.(MD).No.5221 of 2019 before this Court to quash the F.I.R and in the said O.P, this Court has passed an order on 08.04.2019, directing the respondent Police to file final report within one month from the date of receipt of a copy of the said order, but, sofar no final report has been filed. He further submitted that even as per the F.I.R, the alleged occurrence has taken place on 08.10.2018. But, sofar no untoward incident is reported. He further submitted that the petitioner has already deleted the said message from his Face book account and in future, he will not indulge in any such activities. To that effect, the petitioner has filed an affidavit. Hence, he prayed for grant of anticipatory bail to the petitioner.



3. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has posted a message in his face book account on 08.10.2018, stating that 'if muslims are not ready for Jihad, they must learn to say Jai Sriram'. Through the said message, he induced the religious feelings of Hindus and Muslims. He further submitted that the respondent has received a copy of the order passed by this Court in CrI.O.P.(MD).No.5221 of 2019 only on 31.05.2019 and the respondent is taking necessary steps to complete the investigation and they will file final report within the time stipulated by this Court. Since investigation is pending, he strongly opposed this petition.

4. Taking into consideration the fact that the alleged occurrence took place on 08.10.2018 and thereafter, sofar, no untoward incident is reported and also the fact that already, this Court has directed the respondent to file final report within one month from the date of receipt of the copy of the order passed in CrI.O.P.(MD).No.5221 of 2019, and also the fact that no previous case of similar nature is pending against the petitioner and also the fact that the petitioner has filed an affidavit that he already deleted the said message and in future, he will not indulge in such activities, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Pattukkottai, 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 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 fails 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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sd/-
14/06/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No. 9779

ORDER
IN
CRL OP(MD) No.6709 of 2019
Date :14/06/2019

JM/VR/SAR 2/24.06.2019/3P/6C