



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.12023 of 2019

Chellapandi @ Chellapandiyan, ... Petitioner/Accused No.2

Vs

State represented through
The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No. 190 /2019.

... Respondent/Complainant

For Petitioner : M/s. P.R. Prithviraj,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail In Crime No. 190 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 171 (G) and 505(1)(b) of IPC and Section 66 of I.T. (Amendment) Act, 2008 INF C 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 petitioner and other accused person have made some defamatory statements and uploaded it in the social media. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is innocent person. Hence, he prayed to grant anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending. Thus, she opposed this petition.

5. Considering the facts and circumstances of the case and also considering the fact that already this Court granted anticipatory bail to the accused Nos.1 and 3 in Crl.O.P.(MD)No.5836 of 2019, dated 24.04.2019 on a condition that they should deposit a sum of Rs.1,00,000/- to the Head Master, Bodi Municipality Middle School for repairing and reconstruction of toilets and the present petitioner (A2) is also 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 petitioner with a condition that the petitioner shall take D.D for Rs.50,000/- 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 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, 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:

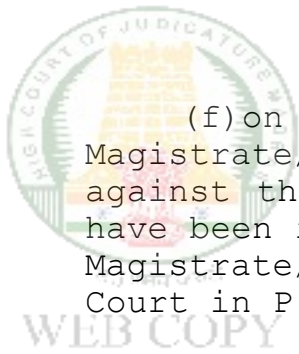
(a)the petitioner is directed to take D.D for Rs.50,000/- and hand over the Head Master, Bodi Municipality Middle School, Bodi for repairing and re-construction of toilets and after construction of the same proof shall be filed to the CEO. Thereafter perusing copy of DD, sureties shall be accepted.

(b)the petitioner 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 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.

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

(e)the petitioner 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 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]; and;

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

sd/-
28/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEAD MASTER,
BODI MUNICIPALITY MIDDLE SCHOOL, BODI.

+1 CC to M/s.P.R.PRITHIVI RAJ, Advocate (SR-14472[I] dated 30/08/2019)

ORDER
IN
CRL OP(MD) No.12023 of 2019
Date : 28/08/2019

vsg
AE/PN/SAR-II (10.09.2019) 3P 7C