



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.16234 of 2019

M.D.Pandian

... Petitioner/Sole Accused

Vs.

State rep.by

The Inspector of Police,

Sellur Police Station,

Madurai.

(In Crime No.1242 of 2019)

... Respondent/Complainant

For Petitioner : Mr.A.John Vincent, Advocate.

For Respondent : Mr.A.Natarajan,

State Public Prosecutor, assisted by

Mr.A.Robinson, Government Advocate (Crl.Side)

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

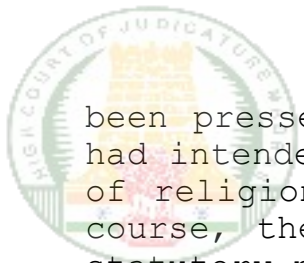
PRAYER :-For Anticipatory Bail in Crime No.1242 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioner is shown as an accused in Crime No.1242 of 2019 on the file of the Inspector of Police, Sellur Police Station, Madurai for the offences under Sections 153 A and 505(2) IPC. He seeks anticipatory bail. The petitioner who claims to be a political leader while addressing a public meeting on 28.08.2019 had referred to high constitutional dignitaries in disrespectful manner and had also suggested that they should rather commit suicide.

3.There cannot be any doubt that the petitioner's speech is in bad taste. But then, the question that arises for consideration is whether he deserves to be arrested for having delivered such a speech. The offence levelled against the petitioner are under Sections 153 A and 505(2) IPC. These penal provisions could have



been pressed into service only if it is shown that the petitioner had intended to promote enmity between different groups on grounds of religion, race, place of birth, residence, language etc., Of course, the expression "any other ground" is also mentioned in the statutory provision. Applying the principle of *ejusdem generis*, I have to hold that the offences are not at all made out. But, it appears that the offence under Section 504 of IPC has been made out. May be as rightly pointed out by the learned State Public Prosecutor these are matters for investigation. But then, what arises for my consideration is whether the custodial interrogation of the petitioner is warranted. In as much as the the case against the petitioner rests on a speech that he has already delivered, I am of the view that nothing further remains and in any event, his arrest is not at all warranted.

4.I am therefore inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Madurai, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

5.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
18/11/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE, SELLUR POLICE STATION, MADURAI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.JOHN VINCENT, Advocate (SR-19857[I] dated 18/11/2019

ORDER IN
CRL OP(MD) No.16234 of 2019
Date :18/11/2019