

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8144 of 2020

Karunanithi

... Petitioner

Vs.

State rep. by

its Inspector of Police,

MANNARGUDI TOWN Police Station,

Thiruvarur District.

(Crime No. 974 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.974 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

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ORDER

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 507 IPC r/w.67 of IT Act in Crime No.974 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner uploaded voice message abusing the revenue officials, who are engaged in the Corona preventive duty.

3. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that this is the 2nd Anticipatory Bail petition filed by the petitioner and that the investigation has already been completed and a final report has been filed before the learned Judicial Magistrate I, Mannargudi on 18.05.2020.

4. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate I, Mannargudi on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner is directed to appear before the learned Judicial Magistrate No.I, Mannargudi during every date of hearing without fail.

[c] the petitioner is directed to tender a written apology through whatsapp regretting for forwarding the voice message and copy of the same should be furnished to the Magistrate. This is without prejudice to the rights of the petitioner to contest the case on merits. The petitioner is directed to deposit Rs.5,000/- to the **President Tamil Nadu Advocate Clerk Association, High Court, Madras(A/c.No.484026006 IFSC Code No.IDIB000M157).**

[d] the petitioners 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]**.

[g] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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08.06.2020

Internet : Yes/No

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N.ANAND VENKATESH,J

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To.

1. The Judicial Magistrate No.1,
Mannargudi.
2. The Inspector of Police
MANNARGUDI TOWN Police Station,
Thiruvarur District..
3. The Public Prosecutor,
High Court, Madras.



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