

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10577 of 2020

K.V.Ponnaiyan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Chennimalai Police Station,
Tiruppur District.
Crime No.231 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in respect of Crime No.231 of 2020 on the file of the Inspector of Police, Chennimalai Police Station, Erode District pending investigation.

For Petitioner : Mr.Lakshminarayanan
For Mr.M.Guruprasad
For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153, 182, 504 and 505(i)(b) of IPC in Crime No.231 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner circulated message through Whatsapp and Social Media that the de-facto complainant/Sub Inspector of Police has extorted amount of Rs.5,000/- (Rupees Five Thousand only) against the truth and this caused defame and bad reputation to the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner circulated message through Whatsapp and Social Media that the Sub Inspector of Police has extorted amount of Rs.5,000/-

against the truth and this caused defame and bad reputation to the de-facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 on which the order copy made ready, before the learned Judicial Magistrate, Perundurai, Erode 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 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 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

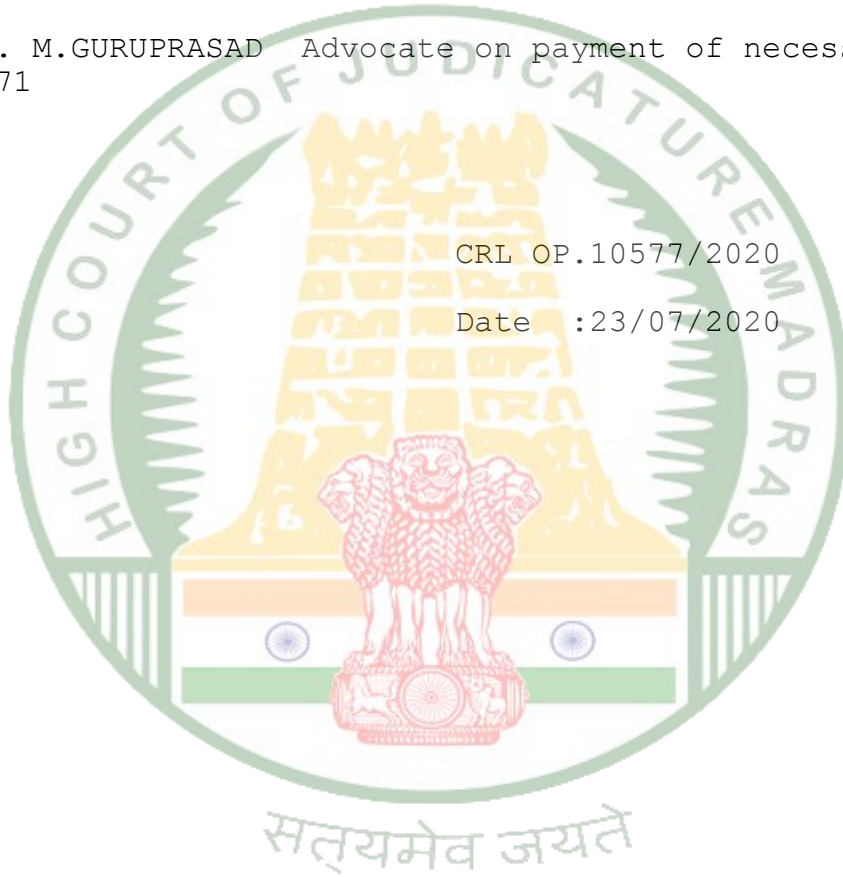
1 THE JUDICIAL MAGISTRATE,
PERUNDURAI, ERODE DISTRICT

2 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHENNIMALAI POLICE STATION,
TIRUPPUR DISTRICT

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary
charges sr No.5771

RD 03/08/2020



CRL OP.10577/2020

Date :23/07/2020

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