

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17833 of 2020 and

Crl.M.P.No.7507 of 2020

1.MANIMALA
2.S.ASHOK KUMAR

... Petitioners

Vs.

State represented by
The Inspector of Police
Virugambakkam Police Station
Chennai City

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.80 of 2020 on the file of the respondent police.

For Petitioners: Mr.A.M.Rahamath Ali

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondent : C.IYYAPPARAJ
Additional Public Prosecutor
[IN CRL MP 811/2021]

For intervenor : Mr.M.Simon Jeyakumar.

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 385 and 506(i) IPC in Crime No.80 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mathimaran is that he is the Trustee of Pranic Healing Trust and was giving training to several persons for Pranic healing. One Tamil Selvi who was the Trainer in the trust, acted against the interest of the Trust and thereby, she was suspended and was directed not to give any training for two years. Therefore, in order to

take revenge on the Trustees, the said Tamil Selvi joined along with one Ashok Kumar, Mani Malam and Jayakumar and had been spreading false and abusive informations against the trust through Whatsapp and other social media and also intimidated the defacto complainant.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they had supported one Tamil Selvi who was illegally removed from the Trust and the complaint has been given only due to dispute with regard to mismanagement. The defacto complainant had mismanaged the Trust. When it was questioned by one Tamil Selvi, she was removed from the Trust and the defacto complainant is the person who is harassing the petitioners. He would further submit that even the F.I.R. does not disclose any offence against the petitioners. However, without prejudice to their defence, the petitioners have filed necessary affidavit expressing their remorse and undertaking not to upload any abusive contents in the social media. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the associates of one Tamil Selvi who was the member of the defacto complainant's Trust. Since, she acted against the interest of the defacto complainant's Trust, she was suspended from the Trust and was directed not to give any training for two years. Thereby, the said Tamil Selvi in support of the petitioners, have spread false and abusive informations in the Whatsapp and other social medias. He would further submit that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail.

5. Mr. Simon Jeyakumar, the learned Counsel for the Intervenor would vehemently oppose for grant of anticipatory bail to the petitioners stating that the petitioners are the associates of one Tamil Selvi who had acted against the interest of the Trust. Since, the said Tamil Selvi was removed from the Trust, the accused joined together and had been spreading abusive and false informations against the defacto complainant who is an Internationally reputed person in Pranik Healing.

6. Heard the learned Counsels and perused the materials placed on record.

7. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels and also taking into consideration the affidavit of undertaking filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **(*)learned XXIII Metropolitan Magistrate, Saidapet**, on condition that the petitioners shall execute a separate

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 petitioners 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 first 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.

the second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

With the above direction, the criminal original petition is ordered. Consequently, connected miscellaneous petition is ordered.

-sd/-
15/12/2020

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.

(*)Amended and two weeks time is extended from the date on which the order copy is made ready, to comply with conditions, as per order of this court dated 03/02/2021 made in CRL.MP.811/2021.

TO

1 (*)THE METROPOLITAN MAGISTRATE XXIII,
SAIDAPET.

2 THE METROPOLITAN MAGISTRATE XXII,
SAIDAPET.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VIRUGAMBAKKAM POLICE STATION,
CHENNAI CITY.

+1 CC to M/S.A.M.RAHAMATH ALI Advocate on payment of necessary charges SR NO.1077

CRL OP.17833/2020 &
CRL MP.7507/2020

Date :15/12/2020

MN-04/01/2021
MN-09/02/2021

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