



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6284 of 2020

M.S.Shanker

... Petitioner/sole Accused

Vs

The State Rep. by
The Sub Inspector of Police,
Thukalay Police Station,
Nagercoil.
Crime No.275/2020.

... Respondent

For Petitioner : Mr.S.Sivakumar,
Advocate.

For Respondent : Mr.K.Suyambulingabharathi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.275 of 2020 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 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 153(A), 505(1)(c) of IPC and Section 67 of Information Technology Act and Section 54 of NDMA Act, in Crime No.275 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 02.04.2020 the petitioner posted a cartoon image in the facebook which likely

<https://hcservices.ecourts.gov.in/hcservices/>



portrayed that Muslims are the reason for spread of corona virus. Therefore, the respondent Police registered FIR against the petitioner.

4.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that it is a case of case in counter. initially the petitioner's Hindu Munnani Office bearers lodged 12 complaints before the Deputy Inspector General of Police regarding spread of corona by the Muslims after out set of Delhi conference and thereafter, this complaint has been lodged against the petitioner.

6. Considering the facts and circumstances of the case and considering the fact that it is a case of case in counter, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thukalay, Kanniyakumari, Nagercoil District 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;

(ii) The petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required, for interrogation.

(iii) 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

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

7. 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.



8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
THUKALAY, KANNIYAKUMARI DISTRICT AT NAGERCOIL.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
THUKALAY POLICE STATION,
NAGERCOIL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6284 of 2020
Date :17/06/2020

RMK
TE/JC/SAR-II : 19/06/2020 : 3P/5C