



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2020

PRESENT

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The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6583 of 2020

Logeshwaran

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Cr.No. 255 of 2020.

... Respondent/Complainant

For Petitioner : M/s. J.Vishnu,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioners/Accused on Anticipatory Bail in the event of their arrest by the Respondent Police in connection with Cr.No. 255 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 Additional Public Prosecutor appearing for the respondent.

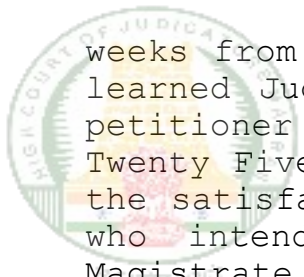
2.The petitioner herein alleged to have circulated communal hatred message through social media. Hence, a case has been registered against him under Section under Section 505(2) of I.P.C. and Sections 67 of IT Act, 2008.

3.The learned Additional Public Prosecutor appearing for the State submits that due to the message circulated by the petitioner communal tension is prevailing in that area. However, the petitioner would State that is a false complaint without ingredient to attract Section 505(2) of IPC.

4.Considering the said submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four



weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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(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 stay at Tirunelveli and report before the Tirunelveli Town Police Station daily at 10.30 a.m., until further orders;

(c) the petitioner shall not operate any social media account for the purpose of twitting and re-twitting, forwarding message, which will cause communal disharmony;

(d) the petitioner 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]**; and;

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

sd/-

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

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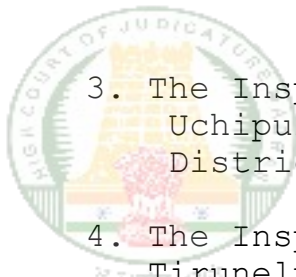
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, Ramanathapuram.

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

2. Do-Through the Chief Judicial Magistrate,
Ramanathapuram District.



3. The Inspector of Police,
Uchipuli Police Station, Ramanathapuram
District.
4. The Inspector of Police,
Tirunelveli Town Police Station
Tirunelveli
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL OP(MD) No.6583 of 2020
Date : 01/07/2020

VB SKN SAR 2 (03.07.2020) 3P 6C