



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7351 of 2020

Kannan,

... Petitioner/Single Accused

Vs

State, represented by
The Sub Inspector of Police,
Colachel Police Station,
Kanniyakumari District.
Crime No.290/2020.

... Respondent/Complainant

For Petitioner : M/s C.Prabakaran,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.290 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

1. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 294(b) of I.P.C and Section 67 of Information Technology Act, 2000, in Crime No. 290 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a reporter of magazine. The petitioner and the defacto complainant are members in the same WhatsApp group. In which, the petitioner said to have posted the news defaming the defacto complainant and also abused his daughter. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent.



4. The learned counsel appearing for the petitioner would submit that due to previous enmity between the petitioner and the defacto complainant a false complaint has been preferred by the defacto complainant. He would further submit that based on the opinion of the majority of the people in the whatsapp group, the petitioner has formed opposite opinion about the activities of the defacto complainant. In which the defacto complainant has also posted the news against the opinion of the petitioner. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that there is a motive between the defacto complainant and the petitioner in the whatsapp group.

6.Considering the fact and circumstances of the case and submissions of the learned counsel for the petitioner and the learned Government Advocate (Criminal side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Earniel, Kanniyakumari District, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police an on when required for interrogation.

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

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

[d] 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].

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

sd/-
17/07/2020

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



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,
ERANIEL, KANNIYAKUMARI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7351 of 2020
Date :17/07/2020

KSA
AE/JC/SAR-III (22.07.2020) 3P 5C