



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7611 of 2020

1. Sengaimaran
2. Rajmohan

... Petitioners/Accused No.1 & 3

Vs

The State Rep. by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Cr.No. 433 of 2020.

... Respondent/Complainant

For Petitioners : M/s.R.Udhayakumar,
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 Cr.No. 433 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who arrayed as A-1 & A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 353, 505, (1)(b) of IPC r/w Section 67 of Information Technology Act, 2000, in Crime No.433 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner has forwarded Face book message to A-4 alleging that there was huge loss to the Government in purchasing of "SONA VANA" product, a Siddha medicine in the Sivagangai District. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are belong to opposition political party and they have only forwarded face book message sent to the petitioners was created by A-4, now A-4 already released on bail. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the first petitioner is a political leader and the second petitioner is Siddha Doctor. He further submitted that there are 23 cases are pending against the first petitioner in similar offence and due to political agitation the petitioners have forwarded the face book message making scandalized.

6.Considering the fact and circumstances of the case and also considering the fact that the petitioners have forwarded the face book message was created by A-4 and he was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

(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 petitioners shall report before the respondent police as and when required for interrogation.

(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



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;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7611 of 2020
Date : 31/07/2020

KSA
TE/VR/SAR-II : 06/08/2020 : 3P/5C