



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

Date : 04/08/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN
CRL OP (MD) . No.7802 of 2020

Kumar

... Petitioner/ Sole Accused

State by
The Inspector of Police,
Aralvaimozhi Police Station,
Kanniyakumari District
Cr.No. 424 of 2020.

Vs

... Respondent/Complainant

For Petitioner : M/s.M.Balaji,
Advocate.

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

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

PRAYER :-

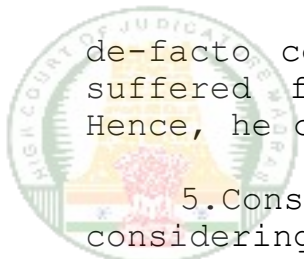
For Anticipatory Bail in Crime No.424 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of
the respondent police for the offences punishable under Sections 505
(ii) of IPC and 67 of IT Act, in Crime No.424 of 2020, on the file
of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is said to
have posted the de-facto complainant's photo in the social media
stating that she is suffered from corona virus. Based on the
complaint given by the de-facto complainant, a case has been
registered.

3.The learned counsel appearing for the petitioner submitted
that the de-facto complainant is a health worker and she is affected
by corona and some other family members were affected by Covid-19
virus. He would further submit that the de-facto complainant,
without wearing mask went to the public place. The petitioner has
taken photo posted in the social media stated that she is a health
worker and also infected with Covid-19 virus and also without
wearing mask. There is no intention to defame her. He would
further submit that the petitioner also infected from Covid-19 virus
and taken treatment. Likewise the de-facto complainant also
infected with the Covid-19 virus.



de-facto complainant's photo in the social media stating that she suffered from corona and hence, the case has been registered. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the rival submissions, I am inclined to grant anticipatory bail to the petitioner with certain conditions. 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 No.I at Kuzhithurai, on condition that the petitioner shall execute 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 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 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 report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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;

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

sd/-

04.08.2020

/ TRUE COPY /

/ /2020

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

SJI

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 No.I at Kuzhithurai.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Aralvaimozhi Police Station,
Kanniyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.7802 of 2020
Date : 04/08/2020

VB (12.08.2020) 3P 5C