



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.8081 of 2020

Tamilarasn @ Abdul Kadher

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
Crime No.289 of 2020

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu,
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.289 of 2020 on the file of the respondent police.

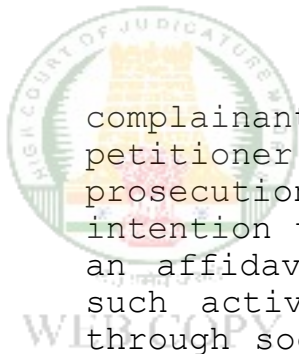
ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 505(i) of I.P.C. and Section 67 of Information Technology Act, in Crime No.289 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused and the allegation against the petitioner is that he has forwarded a message in his face book and social media against the Government and also the Jail Authorities.

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

4. The learned counsel appearing for the petitioner submitted that the present complaint has been preferred by the defacto



complainant with malicious intention. He further submitted that the petitioner has not created any message, as alleged by the prosecution and he has only forwarded the message, and he has no intention to threaten the authorities. Further, the petitioner filed an affidavit of undertaking stating that he would not involve in such activities against the Government or other higher officials through social media and no such allegation would arise against him in future. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that that the petitioner created a defamatory message against the Government and as well as the Jail Authority of Vellore. Hence, he objected to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner has only forwarded the message and the same was posted in his face book account and also taking in the account that he filed an undertaking affidavit to the effect that no such allegation would arise against him in future and hence, 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 her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanyakumari District, 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:

(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 petitioners shall report before the respondent police once in a week (i.e.,) every Monday at 10.30 a.m until further orders;

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

sd/-
04/09/2020

/ TRUE COPY /

/ /2020
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, BOOTHAPANDI,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8081 of 2020
Date : 04/09/2020

MS/JC/SAR-3/09.09.2020/3P.5C