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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8117 of 2020

Parisalan @ Dineshkumar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
Cr.No. 287 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Thankapandiyan,
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.287 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 153, 505(2) and 504 of I.P.C., in Crime No.287 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a second accused and the allegation against the petitioner is that he has forwarded a message in his face book account by defaming the image of Veerapandiya Kattabomman, alleging that the Veerapandiya Kattabomman is a Telugu speaking robber and if a statue is installed for him at Chennai the same will be demolished by the Tamilians.



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

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4. The learned counsel appearing for the petitioner submitted that the present complaint has preferred by the defacto complainant with malicious intention. He further submitted that he is not created any message as alleged by the prosecution he has only forwarded the message, earlier, the same has been already forwarded by nearly 50 persons, but, the petitioner has been deliberately impleaded. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has forwarded a message to his face book account questioning the Glorious image of the Kattabomman.

6. Considering the facts and circumstances of the case and gravity of the offence and submission made by the learned counsel appearing for the petitioner and also considering the fact that it is only a forwarded message, and the same was posted by the petitioner in his face book account 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 on his appearance before the learned Judicial Magistrate, Villathikulam, Thoothukudi 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 as and 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.

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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,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8117 of 2020
Date :05/08/2020

VSG
TE/VR/SAR-III : 07/08/2020 : 3P/5C