



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9114 of 2020

Thoubek

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
Crime No.1067 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.P.Sathyamurthy,
Advocate.

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

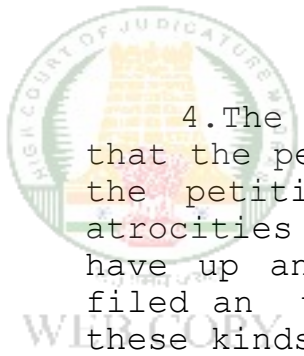
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 505(2) and 506(i) of IPC and 67 of IT Act, in Crime No.1067 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the leader of "Naam Manithar Party" and on 07.07.2020, the petitioner has circulated audio message containing defamatory statement in the social media against one particular religion. In the said audio, it is stated that, one particular religious group of people was attacked by another religious group of people and the petitioner warned them to stop their activities otherwise they will retaliate. Due to which, a tension has been created in that area. Based on the complaint given by the Village Administrative Officer, the crime has been registered against the petitioner.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He further submitted that the petitioner has only expressed his views in respect of an atrocities committed against his people, and had no intention to have up any communal tension. In this regard, the petitioner has filed an undertaking affidavit stating that he will not indulge in these kinds of activities in future and seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner has circulated audio containing defamatory statement in the social media against one particular religion. Due to which, a tension created in the petitioner's area. He further submitted that the petitioner is having two previous cases. Hence, he opposed this petition.

6.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioner has circulated message through whatsapp alleging, that one religious group of people attacked by another religious group of people and warned them to stop it, otherwise they will retaliate, and there is no communal clash in that area. The petitioner has also filed an undertaking affidavit stating that he will not indulge in these kinds of activities in future. The undertaking affidavit filed by the petitioner is placed on record. Considering the above circumstances, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Pattukkottai, 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)since the investigation is still pending, the petitioner shall report before the respondent police once in a week (ie.,) On 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/-

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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, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.P.SATHIYAMURTHY, Advocate (SR-6349[I] dated 10/09/2020)

ORDER

IN

CRL OP(MD) No.9114 of 2020

Date : 09/09/2020

MS/VR/SAR-1/14.09.2020/3P.6C