



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

Date : 23/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9184 of 2020

1.Pandiyan @ pandi
2.Prabu

... Petitioners/Accused
Nos.1 and 2

Vs

The State rep.by
The Inspector of Police,
Usilampattti Town Police Station,
Madurai District.

... Respondent/Complainant

For Petitioners : M/s.K.Neelamegam,
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.1957 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
120(b), 153, 504, 505(2) and 109 of IPC seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that One Sivamani Thevar of
Kodikulam Village, Usilampatti Taluk said to have met the Revenue
Divisional Officer and filed a complaint regarding removal of
encroachment, wherein the RDO alleged to have stated that the
Pasumpon Muthuramalinga Thevar statue installed near the bus stand
is also causing disturbance to the general public and it is also to
be removed. The petitioners herein being reporters said to have
taken interview of the Sivamani Thevar and published the same in a
Tamil weekly magazine as if the Revenue Divisional Officer has
created communal problem in that area. Hence on the complaint filed



by the Revenue Divisional Officer the First Information Report has been registered.

4. The learned counsel for the petitioners would submit that the petitioners are reporters of tamil weekly and they have published the interview of the Sivamani Thevar and they have not created any fake news and they have videographed the entire interview and produced before the respondent police.

5. This Court earlier by an order dated 11.09.2020 directed the Deputy Superintendent of Police, Usilampatti to file the report seeing the video clippings. Today (11.09.2020) the Deputy Superintendent of Police, Usilampatti has filed a report stating that he has also examined the said Sivamani Thevar and he stated that he only met the Revenue Divisional Officer and this petitioner has only taken photos and a false complaint has been published.

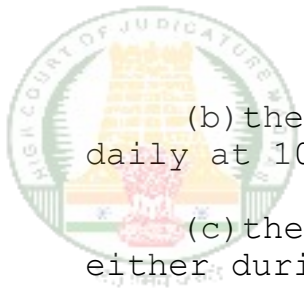
6. The learned Government Advocate(Crl.Side) would submit that even though the videographs shows that some interview was given by Sivamani thevar the investigation reveals that he has given such statement on compulsion of the petitioner, his subsequent statement also reveals the same.

7. It is seen that the petitioners herein are reporters of one Tamil Weekly and they should have published a news in the weekly magazine, making allegation against the Revenue Divisional Officer. Even though there is a video clipping showing statement given by Sivamani Thevar now subsequent statement of the said Sivamani Thevar reveals that he was compelled by the petitioners to give such statement, whether the statement given by the said Sivamani Thevar is on his own or on compulsion can be only decided during trial.

8.Taking into consideration all the facts and circumstances this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9 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 Judicial Magistrate, Usilampatti on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 daily at 10.30 a.m., until further orders.

(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 have been imposed and the petitioners 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/-
23/09/2020

/ 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, USILAMPATTI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.NEELAMEGAM Advocate SR.No.6573

ORDER
IN
CRL OP(MD) No.9184 of 2020
Date :23/09/2020

AAV

<https://hcservices.courts.gov.in/hcservices/>
1K/PN/SAR.27/30.09.2020/3P/6C