



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9339 of 2020

S.Thathuraj

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.Not known of 2020

... Respondent/Complainant

For Petitioner : Mr.M.A.M.Raja,
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. Not known of 2020 on the file of the respondent police.

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 offence punishable under Section 66 A of the Information Technology Act, 2000, in Crime No. Not known of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the defacto complainant and one Annalakshmi. Based on the complaint given by the said Annalakshmi, a crime has been registered in the year 2012 and it was also published in news papers. Subsequently, the complaint has been closed. The defacto complainant is the close relative of a local MLA, in order to defame him the petitioner said to have circulated that news in the social media. Hence, a complaint.



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

4. The learned counsel for the petitioner submitted that the petitioner is no way involved in the offence and a false case has been foisted against the petitioner and he prays for grant of anticipatory bail.

5. The learned Government Advocate (Crl.side) would submit that the petitioner threatened the defacto complainant by uploading some defamatory news published in the news paper and in social media and demanded money. Hence, he objected to grant anticipatory bail.

6. On perusal of the FIR it is seen that the petitioner said to have uploaded a news published in the news paper in the year 2012, in whatsapp apart from that, no serious allegation is found as against the petitioner.

7. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 learned Judicial Magistrate, Uthamapalayam, 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 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



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

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sd/-
04/09/2020

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

ORDER
IN
CRL OP(MD) No.9339 of 2020
Date :04/09/2020

MS/AKM/SAR-2/10.09.2020/3P.5C