



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

Date : 18/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9494 of 2020

KARTHICK KUMAR @ SANGAI KARTHICK ... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
KEELRAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.345/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.A.Sivasubramanian,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

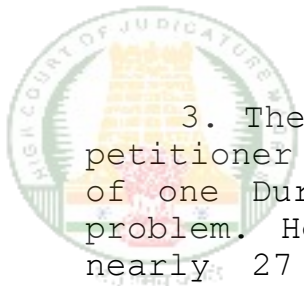
PRAYER :-

For Bail in Crime No.345/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 22.08.2020 for the alleged offences under Sections 153,504,505(1)(b) of IPC and Section 66(F)(1)(A)(i) of Information Technology Act 2000.

2. The petitioner herein is a leader of a Communal outfit. The case of the prosecution is that the petitioner herein said to have uploaded unwanted messages in the social media and also criminally intimidated the police that he will arrange members to murder other police peoples. Based on the complaint given by the Sub Inspector of Police, a crime has been registered.



3. The learned counsel for the petitioner would submit that the petitioner herein has only ventilated his grievance over the death of one Duraimuthu and he is not intended to create any communal problem. He would also submit that the petitioner is in jail for nearly 27 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a member of one communal out fit and several cases are pending against him. He further submitted that the petitioner herein uploaded defamatory remarks against the police members and also criminally intimidated them. He would further submitted that investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein only uploaded some message in the social media, and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate, Rajapalayam.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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,
RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
KEELRAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9494 of 2020
Date :18/09/2020

aav
JM/JC/SAR II/18.09.2020/3P/6C