



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10188 of 2020

Raja ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.
Crime No.209/2020

... Respondent/Complainant

For Petitioner : M/s.R.Narayanan,
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

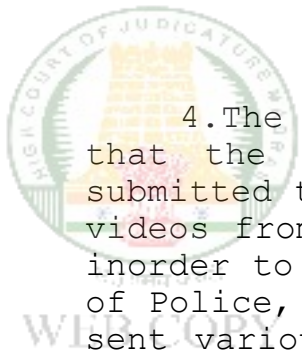
For Anticipatory Bail in Crime No.209 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 182, 124(A), 294(b), 336, 386, 505(2), 506(2) and 507 of I.P.C. and Sections 66(D) and 67 of Information Technology Act, in Crime No.209 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as Driver in Dubai. The petitioner said to have sent some obscene and threatening messages to the Grievance Cell of the Superintendent of Police Office. Hence, the complaint.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner is working as Driver in Dubai. He further submitted that the petitioner is often receiving anonymous calls and videos from various persons scolding him in filthy language, hence, in order to give complaint he has sent the same to the Superintendent of Police, Grievance Cell as complaint. He further submitted that he sent various representations to the respondent police and since no action has been sent in order to give complaint he has forwarded the messages received by him to the grievance Cell. The petitioner also undertakes not to forward any such messages in future. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has forwarded obscene messages to the Superintendent of Police, Grievance Cell, from Dubai, hence the crime was registered.

6.Considering the fact and circumstances of the case and considering the fact that the petitioner is working as Driver in Dubai and said to have forwarded the messages received by him, in order to lodge a complaint and he undertakes that he will not commit any offence in future, 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, Ramanathapuram, and on his executing 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 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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

<https://hccivildocket.in/Pin/Kcse8hes> *Govindarajan P. In/ Kcse8hes* 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.

sd/-
25/09/2020

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

ORDER
IN
CRL OP(MD) No.10188 of 2020
Date :25/09/2020

KSA
TK/VR/SAR.2/01.10.2020/3P/5C