



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

Date : 05/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10742 of 2020

G.Vairamuthu

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub-Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Cr. No.578/2020).

... Respondent/Complainant

For Petitioner : M/s.N.Dilip Kumar,
Advocate.

For Respondent : Mr.K.R.Bharthi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.578 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(ii) of I.P.C.and Section 67A of Information Technology Act, 2000, in Crime No.578 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is one of the WhatsApp group member in the name of Annan KTR Pasarai which was maintained by the defacto complainant. The petitioner said to have uploaded an obscene picture in the said WhatsApp group and the same was questioned by the defacto complainant. Due to that motive, the petitioner along with other accused persons said to have criminally intimidated the defacto complainant and abused him using filthy language and also made life threat to him. Hence, the complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that when the petitioner has attempted to delete the message, by mistake it was forwarded. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has forwarded an obscene picture in the WhatsApp group.

6. Considering the fact and circumstances of the case and considering the submission of the learned counsel appearing for the petitioner, 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, Rajapalayam, 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 daily at 10.30 a.m., for a period of Two weeks and thereafter, 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 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.

sd/-
05/10/2020

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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,
RAJAPALAYAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-6809[I] dated 06/10/2020)

ORDER
IN
CRL OP(MD) No.10742 of 2020
Date :05/10/2020

KSA
SRS/ AKM/ SAR-II/ 08.10.2020/ 3P/6C