



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

Date : 09/12/2020

PRESENT

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

CRL OP(MD). No.14357 of 2020

G.Nibandhan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.1456/2020

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1456/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 153, 504 and 507 of I.P.C. and Section 67 of Information Technology (Amendment) Act, 2008, in Crime No.1456 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner uploaded a video in social media by abusing the Hon'ble Chief Minister and Hon'ble Deputy chief Minister against the illegal arrest of his political party leader and later he removed the same from social media. Due to which, the defacto complainant lodged a case. Hence, the case has been registered.



4.The learned counsel for the petitioner submitted that the petitioner is a member and acting as Town Panchayat's Student Wing Secretary in All India Anna Dravida Munnetra Kazhagam. In order to defame the petitioner's name in the society, the defacto complainant lodged a false case against him. He further submitted that the petitioner is ready to file an undertaking affidavit that he will not indulge such kind activities in future.

5.The learned Government Advocate (Crl. Side) submitted that the petitioner spread a defamatory news in social media. It is very serious offence. Hence, he prays this Court to dismiss this anticipatory bail petition.

6.Considering the facts and circumstances of the case and recording the submission of the petitioner that the petitioner will file an undertaking affidavit to the effect that no such allegation would arise against him in future, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Periyakulam, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/12/2020

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

ORDER
IN
CRL OP(MD) No.14357 of 2020
Date : 09/12/2020

IAS
TK/PN/SAR.2/11.12.2020/3P/5C