



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

Date : 23/12/2020

PRESENT

WEB COPY

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

CRL OP(MD) No.15664 of 2020

1.Marimuthu
2.Viknesh @ Ettarai Vicky
3.Udhayakumar @ Kumar
4.Chandru @ Chandrasekaran
5.Prabaharan @ Singam Praba ... Petitioners/Accused Nos.1to5

Vs.

The State rep. by
The Inspector of Police,
Palakkarai Police Station,
Trichy City.
Crime No.953 of 2020.

... Respondent/Complainant

For Petitioners: Mr.Vishnu.V, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.953 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 153, 504, 506(i) IPC., and Section 67 of Information Technology Act, in Crime No.953 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a organizer of a Sangam named as Veera Mutharaiyar Munetra Sangam. A meeting was scheduled on 31.01.2020 by the said Sangam at Madurai. In connection with the said meeting, pamphlets have been issued to the general public by the founder of the Sangam namely K.K.Selvakumar and the members of the above said Sangam. In the meantime, the accused persons started posting unparliamentary comments and threatening posts in facebook as against the founder of the above said Sangam. Hence, the case has been registered.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that A1 and A2 were arrested and remanded to judicial custody.

6. Considering the above facts and circumstances of the case and also considering the fact that now the petitioner Nos.1 and 2 / A1 & A2 were arrested and remanded to judicial custody, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition is dismissed in respect of the first and second petitioners.

7. Insofar as the petitioners 3 to 5 / A3 to A5 are concerned, there is no serious allegation as against them. Hence, this Court is inclined to grant anticipatory bail to the petitioners 3 to 5 / A3 to A5 with certain conditions.

8. Accordingly, the petitioners 3 to 5 / A3 to A5 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.5, Tiruchirapalli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 3 to 5 / A3 to A5 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 petitioners 3 to 5 / A3 to A5 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 petitioners 3 to 5 / A3 to A5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 3 to 5 / A3 to A5 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 petitioners 3 to 5 / A3 to A5 in accordance with law as if the conditions have been imposed and the petitioners 3 to 5 / A3 to A5 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/petitioners 3 to 5 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

9. Accordingly, this Criminal Original Petition is partly allowed.

sd/-
23/12/2020

/ TRUE COPY /

/ /2021
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 NO.V,
TIRUCHIRAPPALLI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15664 of 2020
Date : 23/12/2020

VSD

<https://hccs.csls.gov.in/Service/07.01.2021/3P/5C>