

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1103 of 2021

& CRL.MP.No.4317 of 2021

N.GOPINATH

[PETITIONER / ACCUSED]

vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
VILLUPURAM.
CRIME NO.50/2021

[RESPONDENT]

ARASI

[PETITIONER / DEFAC TO COMPLAINT]

[ORDERED AS PER ORDER OF THIS COURT
DATED 15/04/2021 MADE IN
CRL.MP.NO.4317/2021 IN CRL.OP.NO.1103/2021]

For Petitioner : M/S.K.BOMMURAJ Advocate

For Respondent : M/S.KRITIKA KAMAL .P, Government Advocate (Crl.side)

For Intervener : M/S. J.SARAVANA VEL Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 500 & 506(ii) of IPC. in Crime No.50 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the mother-in-law of the 1st accused, there was a family dispute between them, as a result of which, the petitioner has made derogatory statements and uploaded the same in the social media and also sent it higher officials against the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner has no intention to defame any person, and did not make derogatory statement against the defacto complainant. Now he has filed an affidavit of undertaking that he will not do any such comments against any persons in future. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner has made derogatory statements and uploaded the same in the social media against the defacto complainant. Hence, she vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor/defacto complainant would submit that the petitioner has entered into the house of the defacto complainant and attacked her and made a derogatory statements and uploaded the same in the social media. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, and also considering the undertaking of affidavit filed by him stating that he will not make any such derogatory statements against any persons 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Villupuram, on condition that the petitioner shall execute 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 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 Court concerned 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/-

15/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
VILLUPURAM.

+1 CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges
SR.No.4864

+1 CC to M/S. J.SARAVANA VEL Advocate on payment of necessary
charges SR.No.4827

CRL OP.1103/2021
& CRL.MP.No.4317/2021

Date :15/04/2021

cs 23/04/2021