



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.209 of 2021

1.C.Sathyaraj
2.Muthukumar
3.Nandheeswaran
4.Sankar

... Petitioners/Accused No.1 to 4

Vs

The State represented by,
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District
Crime No.3 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.M.Anantha Murugan.S.M.,
Advocate.

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

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

PRAYER :-Anticipatory Bail in Crime No. 3/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
506(i) IPC and Section 4 of the Prohibition of Women Harassment Act
and Section 67A of the Information Technology Act, in Crime No.3 of
2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the President of a Village Panchayat and she has uploaded a short
film in the Youtube about the welfare schemes of the Government.
Due to political motive, the petitioners herein, in order to degrade
the reputation of the defacto complainant, posted messages in
Whatsapp by abusing her. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted
that the petitioners are innocent persons. He undertakes the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioners will not involve any such activities, in future. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the mobile phones of the petitioners were recovered and that the investigation is pending.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners 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.II, Sivakasi, Virudhunagar District, 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 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 shall appear 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 shall not tamper with evidence or witness either during investigation or trial;

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

sd/-

11/02/2021

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/ /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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 3.THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.S.M.ANANTHA MURUGAN, Advocate SR.No.969

ORDER
IN
CRL OP(MD) No.209 of 2021
Date :11/02/2021

GNS
PK/SMA/SAR-I/18.02.2021 : 3P/6C