



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

Date : 01/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1983 of 2021

S.Lakshmi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Crime No.32 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Ravi,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 153, 504 and 506(ii) of IPC, in Crime No.32 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, had made some derogative remarks against the Deputy Chief Minister and also threatened him to do away during the election time. The remarks of the petitioner was recorded and the same was posted in the social media and it had been viewed by many persons causing annoyance and with an intention to cause riot and promoting enmity between the groups. Hence, a complaint has been registered against the petitioner.



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

4. The learned counsel for the petitioner submitted that the petitioner had participated in the Grama Sabha Meeting organised by DMK Political Party Leader, she was addressing the meeting. At that time, the petitioner had made some remarks against the Deputy Chief Minister and derogative words and the character of the Deputy Chief Minister. Immediately, the organiser of the meeting condemned and warned the petitioner and thereafter, she had also made apology for the same and the remarks were withdrawn.

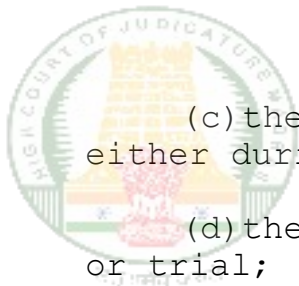
5. The learned Government Advocate (Criminal side) for the respondent filed a counter and submitted that the petitioner, had made some derogative remarks against the Deputy Chief Minister and also threatened him to do away during the election time. The remarks of the petitioner was recorded and the same was posted in the social media and it had been viewed by many persons causing annoyance and with an intention to cause riot and promoting enmity between the groups. He further submitted that two more complaints of similar in nature have been registered in C.S.R.Nos.79 and 80 of 2021 and the same are pending enquiry. The petitioner had made speech against the Deputy Chief Minister, which was telecasted in the local channel and thereafter in the news channel, in which, no apologize has been made by the petitioner. Hence, he strongly opposed this petition.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a lady and after the alleged incident, there is no provocative incident recorded and the petitioner herself made apologize and had withdrawn her remarks, hence, 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 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 policed as <https://hservices.mca.gov.in/hservices/> 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;

WEB COPY (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/-
01/03/2021

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

+1 CC to M/s.P.THILAK KUMAR, Advocate (SR-1616[I] dated 02/03/2021)

ORDER IN
CRL OP(MD) No.1983 of 2021
Date :01/03/2021

vsg
TK/PN/SAR.3/04.03.2021/3P/6C

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