



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

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PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD).No.6633 of 2021

P.Erattaiyasamy

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Seevalaperi Police Station,
Seevalaperi,
Tirunelveli District.
Crime No. 100 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Karthick R.J.,
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.100 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 153(A) I.P.C., and 67 of Information Technology Act in Crime No.100 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 28.04.2021, the defacto complainant who attached to the police station received a whatsapp message pertaining to the murder of Priest of Seevalaperi Sudalaimadaswamy Kovil. In which the sender defame the opposite community people which cause enmity between two groups. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that the



petitioner also gave a complaint against the defacto complainant, which was registered in Cr.No.100 of 2021.

4.The learned Government Advocate(Crl.side) submitted that the defacto complainant who attached to the police station received a whatsapp message pertaining to the murder of Priest of Seevalaperi Sudalaimadaswamy Kovil. In which the sender defame the opposite community of the people which cause enmity between two groups. He would further submitted that there are two previous cases against him. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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.III, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000 (Rupees One Lakh 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c]the petitioner shall report before respondent police as and when required for interrogation.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-3690[I] dated 13/05/2021)

ORDER
IN
CRL OP(MD) No.6633 of 2021
Date :12/05/2021