



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9381 of 2021

A.Duraimurugan Pandiyan Sattai @ Duraimurugan
... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
[Crime No.559 of 2021]

... Respondent/Complainant

For Petitioner : Mr.Rajiv Rufus V,
For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.559 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner / sole accused in Crime No.559 of 2021, on the file the respondent Police, who was arrested on 16.06.2021 for the offence punishable under Sections 153(A), 504 and 505 (i)(b) IPC r/w Section 67 of the Information Technology (Amendment) Act, 2008, seeks bail.

2.The learned Counsel for the petitioner submitted that the case of the prosecution is that the petitioner, interalia, made a statement in a video released in a youtube channel namely Sattai on 13.05.2021 that love may come from tender age to old age, even upto 80 years of age and while he was making such a statement a picture of a heroine, who belongs to a political party, presenting a shawl to the former Chief Minister of Tamil Nadu was displayed. The petitioner and displaying of the picture of the duo



while making such a statement has hurt the sentiments of the cadres of their parties and the general public. Therefore, on the basis of the complaint given by the defacto complainant, the present case came to be registered for the aforesaid offences.

3.The learned counsel for the petitioner would further submit that due to political vendetta the complaint has been foisted against this petitioner. The petitioner has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case. The petitioner has made such a statement without any intention and without any motive. The learned Counsel further submitted that the alleged video was released on 13.05.2021, but the complaint was lodged only on 11.06.2021, nearly after a period of one month. However, the trial Court without considering the above, has dismissed the earlier two bail applications. The learned Counsel further submitted that the petitioner has been languishing in jail from 16.06.2021 and he has been granted bail in such similarly foisted cases.

4. The learned Counsel also submitted that the petitioner has filed an undertaking affidavit dated 02.08.2021 before this Court that he would not release any such video promoting enmity and hurting the sentiments of anyone in future and he would abide by the conditions, which shall be imposed by the Court.

5.The learned Government Advocate (Crl Side) appearing for the State submitted that the petitioner has made a statement displaying a picture and by doing so the petitioner has insulted the duo in the picture, leading to hurting the sentiments of their party cadres and the public. The trial Court has considered the same and dismissed the earlier two bail applications. That apart five similar cases are pending against the petitioner. The learned Government Advocate (Crl Side) opposes grant of bail to the petitioner on the ground that if the petitioner is released on bail, he would indulge in similar offences.

6.Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl Side) for the State.

7.Admittedly the petitioner has released a video in a website on 13.05.2021 and the complaint was lodged on 11.06.2021. This Court has viewed the video submitted by the petitioner. The petitioner has made a statement that love would come irrespective of the age even upto 80 years and a picture was shown at that time. This according to the complainant, has hurt the sentiments of the party cadres and the general public.

8.It is seen that the petitioner has been languishing in jail from 16.06.2021 nearly for fifty days and he has filed an affidavit, undertaking that in future he would not indulge in such activities and he would abide by any such conditions that may be imposed by



the Court. It is also seen that the wife of the petitioner has filed an affidavit, dated 04.08.2021 before this Court that the petitioner is suffering from urinal track infection for several days and though he has been provided with treatment, he has not recovered fully.

9. Taking into consideration of the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration, the undertaking affidavit filed by the petitioner that he would not indulge in such activities in future and his ailments, this Court is inclined to grant bail to the petitioner.

10. In the light of the above discussion, this petition is allowed and the petitioner is directed to be released on bail on his executing 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 learned Judicial Magistrate, Thiruvidadaimarudur, Thanjavur district and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent Police as and when required.

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

[d] the petitioner shall not tamper with the evidence or witness 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUDUR, THANJAVUR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THIRUPPANANDAL POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9381 of 2021

Date :06/08/2021

dsk

JM/PN/SAR II/06.08.2021/4P/6C