



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9850 of 2021

S.Thathuraj

... Petitioner/Accused

Vs

The State Represented by,
The Inspector of Police,
Cumbum South Police Station,
Theni District.
In Crime No.806 of 2020,

... Respondent/Complainant

For Petitioner : Mr.M.A.M.Raja

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

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

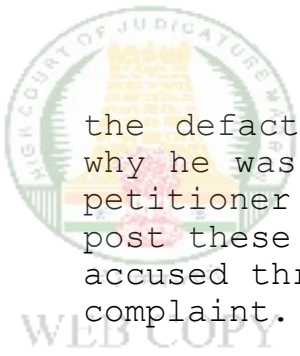
PRAYER :-

For Anticipatory Bail in Crime No.806 of 2020 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 Sections 294(b) and 506(2) of IPC in Crime No.806 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was moving with Annalakshmi as a family friend. The family members of Annalakshmi, with a view to blackmail and collect money from the defacto complainant, made Annalakshmi to give a false complaint against him in Crime No.28 of 2012 under Sections 498A, 313 and 506 (1) IPC. This complaint was also given with an intention to defame the defacto complainant's uncle Kambam Radhakrishnan, who was a member of Legislative Assembly. Later the Police closed this case as 'mistake of fact'. Even after that, the petitioner had been indulging in defaming his uncle's name and spreading rumour, false and defamatory information in social networks. On 25.08.2020, when



the defacto complainant accidentally met the petitioner and asked why he was spreading defamatory information in social networks, the petitioner told him that, if the defacto complainant want him not to post these kind of posts, he should give Rs.5,00,000/-, or else, the accused threatened to eliminate the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that the petitioner was already granted anticipatory bail when First Information Report was not registered. However, the petitioner did not comply with the direction issued by the Court in CrI.OP(MD) No.9339 of 2020. Therefore, he seeks dismissal of this petition.

5. Perusal of the order in CrI.OP(MD)No.9339 of 2020 shows that the petitioner was granted anticipatory bail when First Information Report was not registered. Now, the First Information Report is registered in Crime No.806 of 2020 under Sections 294(b) and 506(2) of IPC.

6. Considering the nature of the incident, this Court is of the view that custodial interrogation of the petitioner is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate, Uthamapalayam 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[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].

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

sd/-
26/07/2021

/ TRUE COPY /

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

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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,
UTHAMAPALAYAM
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9850 of 2021
Date :26/07/2021

NA/JC/SAR4/29/07/2021 P2:5C

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