



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

Date : 11.08.2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.10543 of 2021

S.M.Anthonymuthu

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. by,
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.377 of 2021).

... Respondent/Complainant

For Petitioner : Mr.C.T.Perumal, Advocate
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.377 of 2021 on the file of the respondent police.

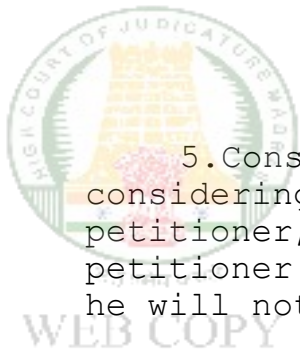
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 153A, 295A, 505(2), 506(i), 269 IPC and Section 3 of the Epidemic Diseases Act, 1897 in Crime No.377 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 18.07.2021, a protest was held against the closure of a church, in which, the petitioner made hatred speech inciting religious unrest. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner made derogatory speech in a public meeting. He further submitted that the investigation is yet to be completed.



5.Considering the facts and circumstances of the case and also considering the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on condition that he shall file an affidavit stating that he will not make derogatory speech in future.

6.Accordingly, this criminal original petition is allowed and 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.I, Kuzhithurai, Kanyakumari District, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the evidence or witness either during investigation or trial.

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

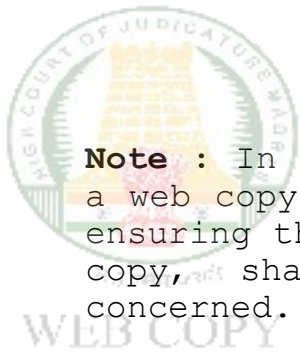
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
11/08/2021

/ 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 NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-5397[I] dated 13/08/2021)

ORDER
IN
CRL OP(MD) No.10543 of 2021
Date :11/08/2021

gns
USK/VR/SAR-I : 17/08/2021 : 3P/6C