



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12254 of 2021

RANJITH

... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

(CRIME NO. 310 OF 2021) ... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.GANAPATHI SUBRAMANINAN P,
ADVOCATE.

FOR RESPONDENT : MR.P.KOTTAI CHAMY,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

For Anticipatory Bail in Crime No.310 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 294(b) and 506(1) of IPC read with Section 67 of Information Technology Act, 2000 in Crime No.310 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a grocery shop. The petitioner, who is a customer, has taken her phone number, sent obscene message to her mobile and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has not sent any obscene message to the defacto complainant as alleged by the prosecution.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, produced the xerox copy of the messages sent by the petitioner.

5. It appears from the messages produced before this Court that the messages do not make out any abusiveness. However, it is a matter for investigation. Considering the material produced before this Court and the allegation against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed.

6. The petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Keeranur, Pudukkottai 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 Judge 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 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 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]***; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/08/2021

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

ORDER
IN
CRL OP(MD) No.12254 of 2021
Date :31/08/2021

GC/SKN/SAR-I (08.09.2021) 3P 5C