



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

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP (MD) . No.13734 of 2021

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Mujithvel,

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(Cr. No. 115 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Selvan T,
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. 115 of 2021 on the file of
the Respondent police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent Police, for the offence punishable under Sections
153, 504 and 505(1)(C) IPC, in Crime No.115 of 2021, seeks
anticipatory bail.

2. The case of the prosecution is that on 11.07.2021, the
petitioner sent an audio WhatsApp message to several persons and
thereby, defaming the freedom fighters and caused communal clash
between two different communities people.

3. The learned counsel for the petitioner submits that the
petitioner is an innocent and he has not committed any such offence
as alleged by the prosecution. He further submits that since the
petitioner has solemnized inter-caste marriage, this false complaint
has been lodged and he is not responsible for the alleged WhatsApp
message.

4. The learned Government Advocate (Crl. Side) opposed for
grant of bail on the ground that apart from this case, the
petitioner is also having one previous case. He further submits
that the petitioner spread the message in WhatsApp and thereby,
disturbing communal harmony among two communities.



5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with stringent condition.

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6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 the respondent police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. 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;

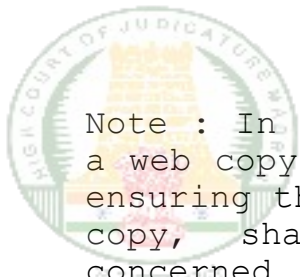
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid 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 229-A IPC.

sd/-
17/09/2021

/ 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.

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TO

- 1 THE LEARNED JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.13734 of 2021

Date :17/09/2021

RD/SKN/SAR-IV (23.09.2021) 3P 5C