



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15726 of 2021

P.Praveen

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Pattukottai Town Police Station,
Thanjavur.
Crime No.1761 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Gunasekaran,
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. 1761 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 153, 504, 505(1)(b) and 506(ii) of IPC r/w Section 67 of Information Technology Act, 2000, in Crime No.1761 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has posted some defamatory statements against Police official in the social media.

3.The learned counsel for the petitioners would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 05.11.2020, made in Crime No.15726 of 2021, with certain conditions. But, the



petitioner could not arrange sureties due to pandemic situation and therefore, he has moved this second anticipatory bail application. Further the petitioner undertakes to file an affidavit before the trial Court that he will not indulge in such offence.

4.The learned Government Advocate(Crl.Side) appearing for the respondent admitted that the petitioner has already been granted anticipatory bail by this Court, in Crl.OP(MD)No.12083 of 2020, dated 05.11.2020 and that he has not complied with the conditions stipulated therein.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the petitioner has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. The petitioner is directed to file an affidavit before the Court concerned as undertaken by him. On such undertaking affidavit being filed, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood sureties each for a like sum to the satisfaction of the respondent Police or to 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 the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(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]; and;



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

sd/-
20/10/2021

/ TRUE COPY /

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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,
PATTUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUB INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION, THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15726 of 2021
Date :20/10/2021

ssb
MK/JM/SAR.IV/29.10.2021/3P/5C