



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

Date : 05/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.15874 of 2020

R.Nagendran

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Virudhunagar District.
Crime No.1100/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Raghuman,
Advocate.

For Intervenor : Mr.Angusamy, Advocate

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

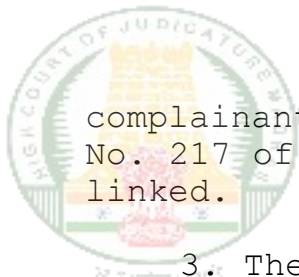
PRAYER :-

For Anticipatory Bail in Crime No.1100 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506(ii) of IPC r/w.Section 67 of Information Technology Act, 2000 seeks anticipatory bail.

2.The case of the prosecution is that the photo of the defacto complainant posted in the facebook has been downloaded by A1 and A2 and they have circulated the same through whatsapp and gave contact number of A1 that the defacto complainant is searching for models in the cinema, thereby defaming him. The defacto complainant is well settled and doing business in Chennai and he is not involved in the cini field. Further the petitioner's mother who is residing in Neyveli was attempted to be abducted by group of persons on 08.04.2020 for the purpose of making recovery of loan amount which was charged at Ex-orbitant interest, for which the defacto



complainant's sister had given complaint which has been given CSR No. 217 of 2020 and still pending and both the incidents are inter-linked.

3. The learned counsel for the petitioner submitted that A1 and the defacto complainant are in the cini field. According to the defacto complainant he had called A1 and had informed about the conduct of the petitioner/A2 and the petitioner had not responded to his call. Except for this no other averments has been made against the petitioner. He further submitted that the petitioner and his family hail from Thanjavur and the entire happenings are at Neyveli. He further submitted that the defacto complainant family to escape from the loan recovery has forwarded the false complaint against the petitioner.

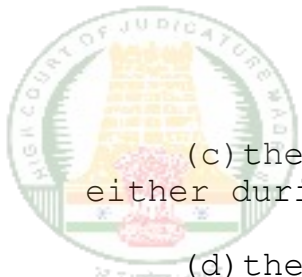
4. The learned counsel for the intervenor/ defacto complaint would submit that the petitioner is a white collar offender and he is a money lender. The complaint given by the sister of the defacto complainant is pending at CSR stage. Failing in their attempts the petitioner and his friends had started making false defaming propaganda against the defacto complainant. He would also submit that A1 had given confession, admitting the guilt and also stated the role played by the petitioner, who is the prime accused in this case. He further submitted that A1 in this case was released on station bail by the respondent police.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that A1 in this case was released on station bail by the respondent police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two 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 two weeks and thereafter as and



(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 petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2021

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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 No.II, KOVILPATTI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15874 of 2020
Date :05/01/2021

AAV
TK/PN/SAR.2/07.01.2021/3P/5C

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