



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/12/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.16678 of 2021

Selvam

... Petitioner/Sole Accused

Vs.

State rep.by

The Sub Inspector of Police,

Oomachikulam Police Station,

Madurai District.

(Crime No.170 of 2021)

... Respondent/Complainant

For Petitioner : M/s.K.Gokul, Advocate

For Respondent : M/s.S.S.Madhavan

Government Advocate (Criminal side)

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

PRAYER :-

For Anticipatory Bail in Crime No.170 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 153, 504, 505(2)IPC and Section 67 of Information Technology (Amendment) Act, 2008 in Crime No.170 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner belongs to a political party and he had spread false news in whatsapp against the former Chief Minister and President of another political Party and also criticized the present ruling party and the Chief Minister with regard to corruption.

3.The de-facto complainant is the Secretary of a political party functionary. In the complaint, it is stated that the accused person is in the habit of spreading defamatory statement against the



complainant's political party as well as with regard to the former Chief Minister with an intention to spoil their reputation and also spreading false news in whatsapp making defamatory allegation against the ruling party functionaries as well as the Chief Minister. Based upon the complaint given by the de-facto complainant, a case in Crime No.170 of 2021 has been registered for the offences punishable under sections 294(b), 153, 504, 505(2) IPC and Section 67 of the Information Technology (Amendment) Act, 2008.

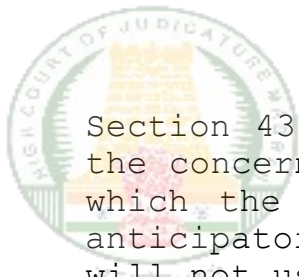
4. In the earlier occasion, when the matter was taken up for hearing, the respondent police was instructed to produce the text of the audio message that has been allegedly spread by the petitioner. Even though, they are not in a position to produce the transmit copy of the audio process, but however, they have produced the audio CD file.

5. Even if it is taken into account that it is defamatory in nature and it is nothing to criticise over a political party, for which the concerned political party ought to have filed the private complaint before the concerned Judicial Magistrate. But how the complainant is aggrieved by the above said defamatory statement is not known.

6. The entire CD file along with audio record was produced and heard. The only point that has been raised by this petitioner is nothing, but the usual language used by a political party against the opposite party. Here the petitioner is making criticism in the above said language with regard to the raids that have been taken by the Anti Vigilance Department against the ex-ministers, this petitioner appears to have supported the ex-ministers and appears to be supporting the ex-ministers and by that process, he used such a language, as usually used in the political circle. Moreover, the person who gave the complainant is not the competent person. So even though the offences are punishable under sections 153, 504, 505(2) IPC and section 67 of the Information Technology (Amendment Act) 2008, in the facts and circumstances of this case, it may not be attracted.

7. Considering the fact that the petitioner is a political functionary and he has expressed his criticism in a language which is not liked in a civilised society. In the view of the above, I am inclined to **grant anticipatory bail** to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his bail before the learned Judicial Magistrate No.V, Madurai and on his executing 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 condition that the petitioner shall appear before the respondent police daily at 10.00 am until further orders. The petitioner shall comply with the conditions stipulated under



Section 438 Cr.P.C scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed and file affidavit that he will not use such un-civilized language against others.

WEB COPY

Sd/-
21/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

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.V,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE SUB INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16678 of 2021
Date :21/12/2021