



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2339 of 2022

SATHISHKUMAR @ SADHA NADAR

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
CHENNAI,
(CRIME NO.1214/2020)

[RESPONDENT]

For Petitioner : M/S. R.MUTHUKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

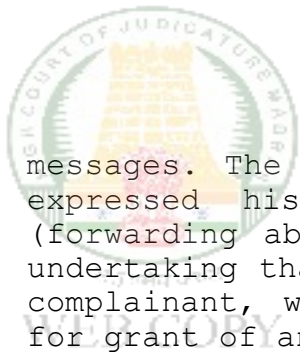
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 509, 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w. Section 67 of IT Act in Crime No.1214 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one V.Vijaylakshmi, the defacto complainant had lodged a complaint on 31.07.2020 against the petitioner that on 20.07.2020 at about 4.30 p.m, he has sent a threatening whatsapp message asking her to seek a public apology, either through audio or video for degrading a political leader who belong to his community.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and not committed any such offences as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. It is further submission that one V.Vijaylakshmi, has sent abusive message, for which the petitioner has sent a reply message asking her to send a public apology. Other than that, the petitioner has not sent any



messages. The petitioner has also filed an affidavit wherein he has expressed his unconditional apology in respect of this issue (forwarding abusive message). Further, the petitioner has given an undertaking that he he will not send any message nor call the defacto complainant, with regard to this issue in future. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the petitioner is in connection with regard to sending abusive message in respect of dispute between the defacto complainant and political leader.

5. This Court considered the submissions made by the counsels appearing on either sides and also considered the undertaking affidavit filed by the petitioner.

6. Now, taking into consideration the abovesaid aspects and also the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner should file an affidavit before the trial Court, undertaking not to send any abusive message to the defacto complainant furthermore.

7.Accordingly, the petitioner is ordered 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 XVIII Metropolitan Magistrate, Saidapet, Chennai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., untill further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;



(f) 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;

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

-sd/-

08/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
CHENNAI,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.MUTHUKUMAR Advocate on payment of necessary charges SR.No.2128

CRL OP.2339/2022

Date :08/02/2022

CSK 21/02/2022