



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

Date : 06/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9335 of 2022

Gandhi Mallar @ Gandhi

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Sub Inspector of Police,
Sipcot Police Station,
Tuticorin
(Crime No.171/2022).

... Respondent/Complainant

For Petitioner : Mr.Jeyachandran.T,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

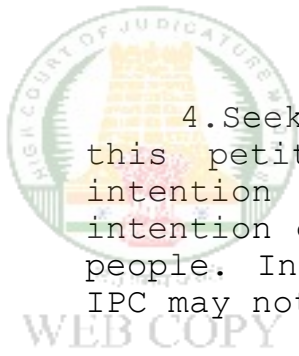
For Anticipatory Bail in Crime No. 171 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 505(2) IPC in Crime No.171 of 2022 on the file of the respondent police.

2.The case of the prosecution is that one Maheshwaran lodged a complaint stating that he is a member of a political party. A Parliament member representing Tuticorin is a well known political activist. On 02.05.2022, when the accused person giving interview to the press people, he made some bald allegations against the aforesaid member of the Parliament, as if she is supporting one KSPS Company. Because of the aforesaid interview, the accused has created some sort of trouble between the minds of two community people.

3.Seeking action, the aforesaid complaint has been lodged by the defacto complainant on the basis of the news report that appears in one of the Tamil Daily News papers, called Dinamalar, dated 14.05.2022. The case was registered under Section 505(2) IPC.



4. Seeking anticipatory bail, this petition has been filed by this petitioner stating that absolutely there was no criminal intention on his part to make such allegation. There was no intention on his part to make any trouble between the two community people. In the facts and circumstances of the case, Section 505(2) IPC may not be attracted.

5. Counter has been filed by the State stating that without any basis, such sort of allegation has been made only with a view to make trouble between the two groups of people.

6. In the facts and circumstances of the case, this Court is of the view that Section 505(2) IPC may not be attracted in such cases, as the defacto complainant can file a private complaint for such cases. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Magistrate No.III, Tuticorin, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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 shall stand dismissed.

sd/-

06/07/2022

/ TRUE COPY /

/07/2022

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.III

<https://www.mhc-tuticorin.in>



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
TUTICORIN.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.JEYACHANDRAN, Advocate (SR-6754[I] dated
07/07/2022)

ORDER

IN

CRL OP(MD) No.9335 of 2022

Date :06/07/2022

MM

USK/SVR/SAR-I/20.07.2022/3P/6C