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

Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.10728 of 2022

M.Manimaran

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
(Crime No.153 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Velavadhas H, Advocate.

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

For Intervenor : Mr.S.Saravanakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 500, 501, 502, 341, 294(b), 506(ii) and 195 A of IPC and Section 4A(1a) of TN Open Places (Prevention of Disfigurement) Act, 1959, in Cr.No.153 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is running a medical shop in Body Town. The petitioner is the



'Reporter' of monthly magazine by name, Police Express. The petitioner and other accused are demanding money from the de-facto complainant for not publishing the bogus news, as if, he has been selling bogus medicines. Hence, the de-facto complainant lodged a complaint against the petitioner and other accused and the same is pending for trial before the Judicial Magistrate, Bodinayakanur.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, vide order dated 18.05.2022 in CrI.O.P.(MD)No.9287 of 2022. He would further submit that the petitioner has filed an undertaking affidavit stating that he will not threaten the de-facto complainant and he will not make any defamatory news against the de-facto complainant in future.

4.The learned Government Advocate(CrI.Side) strongly opposed this petition stating that the petitioner is having four previous cases and the investigation is not yet completed.

5.Considering the nature of charges levelled against the petitioner and also taking note of the undertaking affidavit given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur, Theni District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am until further orders.

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

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Sd/-
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/10/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR, THENI DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10728 of 2022
Date :10/10/2022

SP/GB/SAR I/17/10/2022/3P/5C