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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2022

PRESENT

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

CRL OP(MD). No.16164 of 2022

R.Balamurugan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Singampunari Police Station,
Sivagangai District.
Crime No.32 of 2022.

... Respondent/Complainant

Suganya

... Petitioner / Intervener /
Defacto Complainant
IN CRL MP(MD)No.11079 of 2022

For Petitioner : M/s.Murugesan.M,
Advocate.

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

For Intervenor : Mr.R.Sidharthan, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.32 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 294(b), 506(ii) and 509 IPC and Section 67 of Information Technology Act, 2000, in Cr.No.32 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioner and the de-facto complainant, the petitioner along with other accused had sent obscene message in the name of the de-facto complainant in the whatsapp group, namely, S.V.Mangalam Panchayat Whatsapp group. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is a practicing lawyer and he is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned counsel for the intervenor would submit that due to previous enmity, the petitioner along with other accused spread the message in whatsapp group by defaming the de-facto complainant. Hence, he prayed for dismissal of this petition.

5.The learned Government Advocate(Crl.Side) concedes the submission made by the learned counsel for the intervenor/de-facto complainant. He would further submit that the petitioner is having three previous cases and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt before the District Munsif cum Judicial Magistrate, Singampunari.

8.On production of such receipt, 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 District Munsif cum Judicial Magistrate, Singampunari, 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 06.00 p.m., for a period of one month and thereafter as and when required for interrogation.

(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.

sd/-

19/09/2022

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/10/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SINGAMPUNARI,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT

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

COPY TO:

THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16164 of 2022

Date :19/09/2022

SJI

MK/SVR/SAR. /07.10.2022/3P/6C

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