



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16938 of 2022

Selvaraj ... Petitioner/Sole Accused

Vs.

The State rep.by,
The Inspector of Police,
K K Nagar Police Station,
Trichy City, Trichy District.
(Crime No.822/2022)

... Respondent/Complainant

For Petitioner : M/s.Ananda Kumar.N,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

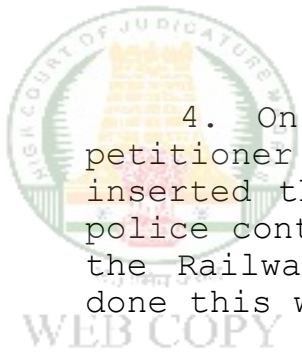
PRAYER :-For Bail in Crime No.822 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to
judicial custody on 27.07.2022 for the offences punishable under
Section 292, 505(1)(a), 507 of IPC and Sections 66F, 67, 67A of
Information of Technology Act, in Crime No.822 of 2022, on the file
of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has sent
a message to the police control room stating that "he is a human
bomb and he propose to explode the Railway Station, Trichy" and has
sent an obscene video. Hence the complaint.

3. On the side of the petitioner, it is stated that the
petitioner has completed only 5th standard. He is only an
agriculturist. His wife and family members are beaten up by the
village president. Only due to frustration, the petitioner created
an ID in the name of the Village President namely Devarajan and sent
a message to the police. He is in custody for the past 57 days and
prayed the petitioner to be released on bail.



4. On the side of the prosecution, it is stated the petitioner purchased a SIM Card in the name of Devarajan and inserted the SIM Card in his cell phone and sent a message to the police control room as 'he is a human bomb and he propose to explode the Railway Station, Trichy, along with an obscene video. He has done this with a motive to create a case against the said Devarajan.

5. This is the second bail application before this Court and the earlier bail application was dismissed by this Court, on 06.09.2022, in Crl.O.P.(MD)No.16016 of 2022. Though the nature of the offence is grievous, even after 57 days, the police were not able to file a charge sheet. The respondent police is the defacto complainant, even then, they are reluctant to file the charge sheet so far. In the above circumstances, this Court is inclined to release the petitioner on bail.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Tiruchirappalli, and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(v)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]**.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/09/2022

/ TRUE COPY /

22/09/2022

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.II
TIRUCHIRAPPALLI

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
K K NAGAR POLICE STATION, TRICHY CITY,
TRICHY DISTRICT.

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

+1 CC to M/s.M/S.ANANDA KUMAR.N, Advocate (SR-10383[I] dated
22/09/2022)

ORDER

IN

CRL OP(MD) No.16938 of 2022

Date :22/09/2022

LS

MK/SBN/SAR.IV/22.09.2022/3P/7C