



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

Date : 12/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17212 of 2022

T.Jemin

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari.
Crime No. 140/2022.

... Respondent/Complainant

For Petitioner : M/s.Lajapathi Roy.T,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.140 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 24.08.2022 for the offences punishable under Sections 294(b), 504, 505(2) and 153A of IPC, in crime No.140 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had posted video and audio in social media by abusing the present Chief Minister of Tamil Nadu and his family members in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not speak with an intention to cause harm to any public or any party people and he is in judicial custody from 24.08.2022, hence he may be released on bail.



4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that the petitioner is having three previous cases. He would further submit that the major part of the investigation is over.

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5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

(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 not abscond during trial.

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].

sd/-

12/10/2022

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13/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER-INCHARGE,
SUB-JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE
SOUTH THAMARAikulam POLICE STATION,
KANYAKUMARI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-11262[I] dated
12/10/2022)

ORDER
IN
CRL OP(MD) No.17212 of 2022
Date :12/10/2022

sjj
USK/VR/SAR- /13.10.2022/3P/7C