



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

Date : 18/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18149 of 2022

M.Suseendran

... Petitioner/Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Silaimani Police Station,
Madurai,
in Crime No.363/2022.

... Respondent/Complainant

For Petitioner : M/s.Niranjana.S.Kumar,
Advocate.

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

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

PRAYER :-

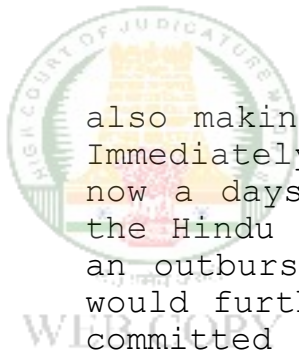
For Anticipatory Bail in Crime No.363/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 153(a), 504, 505(ib), (ic) and 506(i) IPC, in Cr.No.363 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the President of Bharathiya Janata Party of Madurai District and he had addressed a press meet and had spoken harsh and threatened the political party leader that if he continues to speak ill about Hindus, severe action would be taken. Hence, the complaint.

3.The learned counsel for the petitioner would submit that one Journalist asked a question about the petitioner's opinion about one Thirumavalavan, who is the President of 'Viduthalai Chiruthai Katchi', talking ill about Hindus. Further, the said politician is



also making remarks that Great King Rajarajacholan is not 1. Immediately, while responding to the question, being emotional that, now a days, several criticisms intentionally is being made against the Hindu and our Country, the petitioner on sudden provocation, as an outburst, without deliberate intention, expressed his views. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready to file an undertaking affidavit stating that he will not indulge in such activities in future.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner in a Press meet, had spoken harsh and threatened the political party leader that if he continues to speak ill about Hindus, severe action would be taken. The petitioner is having eight previous cases, out of which, four previous cases are similar in nature and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that on sudden provocation, as an outburst, the petitioner expressed his views and also the fact that the petitioner's readiness to file an undertaking affidavit before the concerned Jurisdictional Magistrate, this Court is inclined to grant anticipatory bail to the petitioners 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 No.II, Madurai, 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 file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Judicial Magistrate. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness
<https://www.tn.gov.in/> during investigation or trial;



(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/10/2022

/ TRUE COPY /

/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SILAIMANI POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-11599[I] dated 18/10/2022)

ORDER
IN
CRL OP(MD) No.18149 of 2022
Date :18/10/2022

sj
USK/VR/SAR-I/26.10.2022/3P/6C