



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.19755 of 2022

S.R.Chandrasekaran

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No. 250 of 2022.

... Respondent/Complainant

For Petitioner : M/s.RAJASEKAR G,
Advocate.

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

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

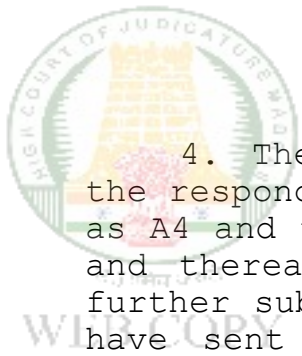
PRAYER :- For Anticipatory Bail in Crime No.250 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 295(A), 505(1)(c), 509 Of Indian Penal Code, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 r/w. Section 67 of Information Technology Act, 2000 in Crime No.250 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused spreading rumors about the defacto complainant, that she is having illegal affairs with church Pastor viz., Durai, through Whatsapp messages and You Tube Chennal to damage the name of the reputation of the Church. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is senior citizen and he has not committed any offence as alleged by the prosecution. He would further submit that this is second anticipatory bail petition.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that petitioner herein is arrayed as A4 and the co accused viz., A1 and A2 have already been arrested and thereafter released on bail and A3 is absconding. He would further submit that A2 is the husband of A1 and the accused persons have sent the unwanted messages through Whats app and You Tube Channel to damage the name of the defacto complainant. He further contended that the investigation of the case is pending and the custodial interrogation of the petitioner is necessary and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the nature of charges levelled against the petitioner and also the fact that the co-accused was already granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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.2, Sivakasi, Virudhunagar 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



[g] Further, the petitioner is directed to file an undertaking affidavit before the trial Court that he will not indulge in any kind of offence in future.

WEB COPY

sd/-
09/11/2022

/ TRUE COPY /

/11/2022

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

TO

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

+1. CC to M/S.RAJASEKAR G Advocate SR.No.12890

ORDER

IN

CRL OP(MD) No.19755 of 2022
Date :09/11/2022

TTA

SA/BUC/SAR.3/21.11.2022/3P/6C