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

Date : 09/11/2022

PRESENT

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

CRL OP (MD) . No.19792 of 2022

Abdullah

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.650/2022).

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar K, 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.650/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 505(ib) IPC and Section 67A of Information Technology Act, in Cr.No.650 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the managing trustee of Pasipattarai Street Muslim Jamaath and the petitioner was the member of the said Jamaath. While being so, the petitioner has spread some rumor against the defacto complainant and other managing trustees by alleging that they were misappropriate the Jamaath's fund. Therefore, the petitioner was removed from the Jamaath in the year 2018. Again the petitioner spread rumor against the defacto complainant and also sent a



whatsapp message to the members of the Jamaath by abusing the character of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that in the year 2018, due to some misunderstanding between the petitioner's daughter and her husband, the petitioner approached the said Jammath for resolving the matrimonial dispute. The defacto complainant without conducting any enquiry, he ordered the petitioner's daughter to get divorce from her husband When the same was questioned by the petitioner, the defacto complainant removed the petitioner and his family members from the said Jammath. He would further submit that the defacto complainant's henchman attacked the petitioner and therefore, he made a complaint against the defacto complainant and the same was not considered. He would further submit that the petitioner is an 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 sent a whatsapp message to the members of the Jammath by abusing the character of the defacto complainant and also submit that no previous case is pending against the petitioner. He would further submit that the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case, considering the antecedents of the petitioner 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, Ramanathapuram, 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 either 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/-
09/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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

ORDER
IN
CRL OP(MD) No.19792 of 2022
Date :09/11/2022