



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21380 of 2022

Paramasivam

...Petitioner/Sole Accused

-vs-

State rep.by
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
(in Crime No.11 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.11 of 2022.

For Petitioner : Mr.C.Susi Kumar, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 294(b) IPC r/w Section 67 of Information Technology Act, in Crime No. 11 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 20.01.2022, one Kandhaiya attempted to murder him and that he had given a complaint against him. While so, on 21.01.2022, he received a whatsapp voice message in a whatsapp group, named, "Poolam Poovarasargal Group", by threatening and abusing the de-facto complainant with filthy language. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false case has been given due to previous enmity. He would further submit that earlier, the petitioner was called for an enquiry and the petitioner appeared in person and thereafter, he has gone to Mumbai and now the respondent



Police are attempting to arrest the petitioner and thereby, he would seek for anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that the petitioner had posted a voice message in a whatsapp group, namely, "Poolam Poovarasargal group" threatening the de-facto complainant and abused him and he would oppose to grant anticipatory bail

5. Taking into consideration the facts and circumstances of the case and on perusing the records, 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 on which the order copy made ready, before the learned Judicial Magistrate, Nanguneri, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with 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 229A IPC.

Sd/-

08/12/2022

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



1. THE JUDICIAL MAGISTRATE,
NANGUNERI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.21380 of 2022
Date :08/12/2022

SP/SSS/SAR III/15/12/2022/3P/5C