



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

Date : 19/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22439 of 2022

Mohamed Mujakith

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime No.652/2022).

... Respondent/Complainant

For Petitioner : M/s. Alagumani.R,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 652/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 15.11.2022 for the offence punishable under Sections 153 (A), 504, 505(1)(b), 505(2) IPC in Crime No. 652 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 15.11.2022, the respondent police conducted search in the petitioner's house and took the mobile phone of the petitioner and found one whatsapp group name “ஷஹிதாக வேண்டும்” and the petitioner herein is admin for that whatsapp group and took the laptop and found that he allegedly copied a screen shot message on his laptop relating to the same sex Judgement of Kerala high Court as “எவரேனும் நபி லூத் அவர்களுடைய சமுதாயத்தினர் செயலை கண்டால் செய்பவனையும் செய்யப்படுவனையும் கொன்று விடுங்கள்”. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the



any offence in any place of worship and did not circulate any statements with intention to cause fear or alarm to the public. He further contended that the petitioner is in judicial custody from 15.11.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has not having any previous case. He further submitted that the petitioner published the messages in social media as against other religious people by inducing the feelings of Muslim youths and hence, he strongly opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 15.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate, Pattukkottai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/12/2022

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19/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE OFFICER-INCHARGE,
SUB JAIL, THANJAVUR.

4. THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. ALAGUMANI.R Advocate SR.No.63042 (F) .

ORDER

IN

CRL OP(MD) No.22439 of 2022

Date :19/12/2022

TRP

USK/SSS/SAR- /19.12.2022/3P/7C