



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9656 of 2023

1. A.R.Basha @ Mohamed Ayup Basha
2. S.Paramasivam
3. Sethumathavan ... Petitioners 1 to 3/ /Accused Nos. 1 to 3

Vs

State Rep.by
The Inspector of Police,
Sessions Court Police Station,
Trichy City.
Crime No.287 of 2023.. ... Respondent/Complainant

For Petitioners : M/s.Jegadeesha Pandian V.M.,Advocate

For Intervenor : Mr.K.M.Karunakaran,Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

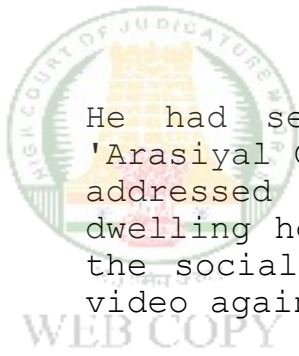
PRAYER :-

For Anticipatory Bail in Crime No.287 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused A1-A3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 153, 294(b), 504, 505(1)(b), 506(1) of I.P.C r/w Section 67 of Information Technology (Amendment) Act 2008, in Crime No.287 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is what the case belongs to the ruling party ward councillor in the locality.



He had seen a video circulated in the YouTube channel by 'Arasiyal Ooli' on 20.05.2023. In that video, the first accused had addressed the media in a public place against the demolition of dwelling house in the patta land. The said video was circulated in the social media and some of the public had commended in the said video against the ruling Government. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, since there was a political dispute between the parties. The petitioners are not having any bad antecedents at their credit. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the accused persons had circulated video in the social media against the ruling Government. Hence, prays to dismiss the petition.

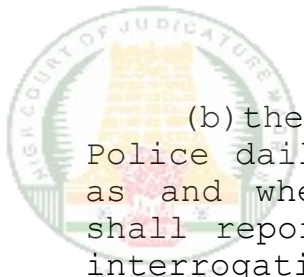
5.The learned counsel for the intervenor also raised his objection to release the petitioners on anticipatory bail.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case and considering the nature of political dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their 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, Trichy**, on condition that **the petitioners shall execute an undertaking affidavit before the trial Court that they will not circulate similar kind of video or message in the social media** and thereafter, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners and 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;



(b) the petitioners 1 & 2 shall report before the respondent Police daily at 10:30 a.m., for a period of two weeks, thereafter, as and when required for interrogation and the third petitioner shall report before the respondent Police as and when required for interrogation;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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;

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

sd/-
05/06/2023

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/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

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

ORDER
IN
CRL OP(MD) No.9656 of 2023
Date :05/06/2023

PKP/BUC/SAR- /08.06.2023/ **3P/5C**

<https://www.mhc.tn.gov.in/judis>