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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.9940 of 2023

R.Vijayakumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
CCD III Police Station,
Madurai District.
Crime No.10/2023.

... Respondent/Complainant

For Petitioner : M/s.Prabhu Rajadurai G, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.10/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 12.05.2023 for the offences under sections 124(A), 153A(1)(a), 153A(1)(b), 153B(1a), 153B(1b), 505(1)(b), 505(1)(c), 505(2) and 506(ii) of IPC in Crime No.10 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 11.03.2023 the petitioner has posted message/ statement in his FaceBook condemning the court order granting permission to RSS party for conducting rally in Tamil Nadu defaming the Judges of Hon'ble Supreme Court, Hon'ble High Court ,the Hon'ble Prime Minister of India inorder to promote feelings of enmity hatred on the ground of caste/community endangering the public tranquility, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.



4. Taking into consideration the facts and submissions of the learned counsels and also the period of incarceration 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 No.I, Madurai** and on further conditions that:

[b] 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.

[c] the petitioner shall stay at Ramanathapuram and report before the Ramanathapuram police station daily at 10.30 am., and 5.30 pm., for a period of two weeks and thereafter report before the respondent police daily at 10.30 A.M. and 5.30P.M., for a period of two weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

[i] After coming out from prison within two days, the petitioner shall file an undertaking affidavit before the trial court as well as before the respondent police that he will not indulge in similar type of offences again. Further if he violates the said undertaking the bail granted to the petitioner shall stand automatically cancelled and the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

08/06/2023

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).8633/2023 in CRL OP (MD).9940/2023 dated 16.06.2023

/ TRUE COPY /

16/06/2023

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



AAV

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 08.06.2023

WEB COPY

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI.
- 2 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
- 5 THE INSPECTOR OF POLICE, CCD III POLICE STATION, MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1 CC TO MR.G.PRABHU RAJADURAI, ADVOCATE, SR-8962[I] DATED
16.06.2023

ORDER
IN
CRL OP(MD) No.9940 of 2023
Date :08/06/2023

RS/SSS/SAR-(08.06.2023) 3P 9C
RS/SSS/SAR-(16.06.2023) 3P 9C