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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16865 of 2023

Kamalakannan @ Arasai Kamalakannan,

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Vellanoor Police Station,
Pudukottai District.
(Crime No.164 of 2023).

... Respondent/Complainant

For Petitioner : M/s. Joel Paul Antony.A,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.164 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 504 and 505(2) of IPC and



Section 67 of Information Technology Act, 2000, in Crime No.164 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.09.2023, when the defacto complainant opening face book account, in the petitioner's face book ID, a false message was found as if after taking breakfast in the Government School, twenty five students are admitted in the Paramakudi Government Hospital and the District Collector made the spot inspection. Moreover, it was found that after announcement of morning breakfast system, the Government Hospitals are filled and also asked Chief Minister to “What do you say now?”. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. It was only forwarded message. He would further submit that for the same occurrence two FIRs have been registered. The petitioner was already arrested in Crime No.170 of 2023 and released on bail by the learned Judicial Magistrate, Aranthangi.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that investigation is pending.



5. On the ground that the petitioner was arrested and remanded to custody and later released on bail in Crime No.170 of 2023 by the learned Judicial Magistrate, Aranthangi, this anticipatory bail application has been filed. Reading of the above said order as well as the FIR in the above said crime number reveals that for the very same occurrence two FIRs have been registered. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Aranthangi, 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 learned Magistrate concerned and the petitioner shall appear before the Judicial Magistrate, Aranthangi, daily at 10.30 a.m. until further orders, since the learned Judicial Magistrate, Aranthangi, has already granted bail to the petitioner and now the petitioner is complying the condition before him. The petitioner shall file an affidavit before the above said Court to the effect that he will not indulge in such activities in future. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period



of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
19/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate, Aranthangi.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
Vellanoor Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.A.JOEL PAUL ANTONY, Advocate (SR-13824[I] dated 19/09/2023)



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ORDER
IN
CRL OP(MD) No.16865 of 2023
Date :19/09/2023

SSA/VRS/03.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023