



WEB COPY

CRL OP(MD). N



22

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

Date : 06/01/2023

PRESENT

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

CRL OP(MD). No.22661 of 2022

Abdullah,

... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Cr.No.675/2020.

... Respondent/Complainant

For Petitioner : M/s. Sathish Kumar.K,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

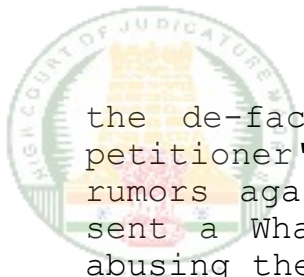
For Anticipatory Bail in Crime No. 675/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 505(1)(c) of IPC and Section 67A of Information Technology Act in Crime No.675 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the managing trustee of Pasipattarai Street Muslim Jamaath and the petitioner was the member of the said Jamaath. While being so, the petitioner's daughter marriage was solemnized in the above said Jamaath. Thereafter, there was a matrimonial dispute between the petitioner's daughter and her husband and thereby, they are living separately. The petitioner assumed that in the above said dispute,

<https://www.mca21juds.com>



the de-facto complainant acted in favour of the husband and the petitioner's daughter and therefore, the petitioner has spread some rumors against the de-facto complainant through Facebook and also sent a Whatsapp message to the de-facto complainant's friends by abusing the character of the de-facto complainant. Hence, the case.

WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that in the year 2018, due to some misunderstanding between the petitioner's daughter and her husband, the petitioner approached the said Jammath for resolving the matrimonial dispute. The de-facto complainant without conducting any enquiry, he ordered the petitioner's daughter to get divorce from her husband. When the same was questioned by the petitioner, the defacto complainant removed the petitioner and his family members from the said Jammath. He would further submit that the de-facto complainant misappropriated the said Jamaath's fund and when the same was questioned by the petitioner, the defacto complainant and his henchman attacked the petitioner. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he was falsely implicated in this case. He would further submit that the petitioner has also filed an undertaking affidavit before this Court stating that he will not spread any rumors against the de-facto complainant and would not upload any abusive post against him through any social media in future. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner sent a obscene contents about the de-facto complainant in social media and he would oppose for grant anticipatory bail.

5.Heard. Perused the materials available on record including the FIR and also the undertaking affidavit given by the petitioner that he will not spread any rumors against the de-facto complainant and would not upload any abusive post against him through any social media in future.

6.Taking into consideration the facts and the submissions made by the learned counsels and also taking note of the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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, Ramanathapuram, 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 to the Police Officer, who



concerned and on further conditions 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 daily at 10.30 for a period of one week 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]**; and;

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

sd/-
06/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate No.II, Ramanathapuram.
2. Do Through The Chief Judicial Magistrate, Ramanathapuram.



3. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SATHISH KUMAR.K ---, Advocate (SR-420[I] dated
09/01/2023)

ORDER IN
CRL OP(MD) No.22661 of 2022
Date : 06/01/2023

TR/MMS/SAR-IV(19.01.2023) 4P 6C