



Crl.O.P.No.10591 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 153, 504, 505(1) (c) of IPC in Crime No.97 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that ON 19.04.2024 due to earlier motive one Gomathi W/o.Jayakumar was murdered by the family members of one Kalaimani for which a case has been registered and five accused persons were arrested and the case was registered is under investigation. On 20.04.2024, the petitioner along with others created false message in a Whatsapp group and they have circulated the message that the said deceased Gomathi had casted her vote to BJP and assaulted her and on the indiscriminated attack the said Gomathi died at the spot and registered a case against 7 members belonging to DMK party. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence



as alleged by the prosecution. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioners stating that the petitioner along with other accused created false news and posted in social media. He further submits that there is no previous case against the petitioner and the investigation is almost completed. However, he opposed for granting anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel on either side and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate-II, Virudhachalam*** 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Station every Tuesday at 10.30 a.m. 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



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with law as if the conditions have been imposed and the petitioner is 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

29.04.2024

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