



CRL OP(MD). No.8047 of 2024

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

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.8047 of 2024

Ram Selva @ Selva Vignesh

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Cyber Crime Police Station,
Theni District.

(Crime No. 16 of 2024).

... Respondent/Complainant

For Petitioner : Mr.V. Sasikumar, Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 16 of 2024 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 Sections 153-A, 295-A, 506(ii) of IPC, in Crime No.16 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner is an active member in a political party and he has uploaded some incriminating slogans in social media in order to obstruct the religious harmony. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submitted that though notice under Section 41A of Cr.P.C. was sent to the petitioner for enquiry, the present FIR was registered prior to the above said notice. He would further submit that the petitioner has not uploaded any illegal statement against any particular religion. Only because of the active participant of the petitioner in the media, the respondent has falsely implicated this petitioner as an accused.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having 13 previous cases against him in various police stations. But, not similar in nature. But some of them referred and one case was disposed of. In respect of other cases the investigation is pending. The present complaint was lodged by the Head Constable of Uthamapalayam Police Station, Theni District. On seeing the illegal statements made against a particular religion by the petition with an intention to obstruct the religious harmony, this complaint was made. Hence, he opposed the grant of



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anticipatory bail to the petitioner. However, investigation in this case is pending.

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5.Taking into consideration the facts and circumstances of the case and also submissions made on either side, 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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



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Court is entitled to take appropriate action against the petitioner in accordance 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 229-A IPC.

sd/-
29/05/2024

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/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Cyber Crime Police Station,
Theni District.

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



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+1 CC to M/s.V.SASI KUMAR, Advocate (SR-5928[I] dated 29/05/2024)

ORDER
IN
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Date :29/05/2024

ED/JGB /SAR- (03/06/2024) 5P / 6C

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