



CRL OP(MD). No.11792 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11792 of 2024

Guruji,

... Petitioner/ Accused

Vs

The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.147 of 2024.

... Respondent/ Complainant

JAQH Thavheeth Marksh
Rep by its leader
N.Ahamed Fais

...Intervener/ Petitioner/ Defacto Complainant
in CRL MP(MD)No. 7700 of 2024

For Petitioner : Mr.K.Govindarajan, Advocate
for Mr.S. Selvakrishnan,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.I.Kalantar Aasik Ahamadu
in CRL MP(MD)No. 7700 of 2024

PETITION FOR BAIL Under Sec. 483 of BNSS

PRAYER :-

For Bail in Crime No.147 of 2024 on the file of the Respondent Police.



CRL OP(MD). No.11792 of 2024

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 07.07.2024 for the offences punishable under Section 505(2) I.P.C @ into Sections 504, 505 (2) and 153(A) I.P.C, in crime No.147 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has created communal clash between two religion by posting messages against one of the religion in Face Book. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 07.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner has created communal clash between two religion by posting messages against one of the religion in Face Book and the investigation is pending. Hence, he strongly opposed to grant bail.



CRL OP(MD). No.11792 of 2024

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5. The learned counsel for the defacto complainant / intervenor submits that the accused continuously harassed the belief of Islamic and stated unmoral stories as history in order to cause mental agony and hardship to the public and hence, he strongly objected to grant bail to the petitioner.

6. At this juncture, the learned counsel appearing for the petitioner submits that the petitioner has realized his mistake and he undertakes that he will not indulge in any offence in future. To that effect, the petitioner is also prepared to file an undertaking affidavit before the respondent Police and also before the concerned Judicial Magistrate at the time of furnishing the sureties.

7. Considering the undertaking given by the petitioner that he will not indulge in any offence in future and also considering the change of petitioner's attitude and the period of incarceration, this Court is inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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

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CRL OP(MD). No.11792 of 2024

learned Judicial Magistrate, Thiruvadanai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) The petitioner shall tender unconditional apology that has to be uploaded in the same Face Book and the petitioner shall file an undertaking affidavit before the respondent Police as well as before the concerned Magistrate that he will not indulge in any offence in future.

(iii) the petitioner shall report before the Inspector of Police, Thanjavur East Police Station, Thanjavur, daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.

vi) 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].



CRL OP(MD). No.11792 of 2024

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

sd/-
31/07/2024

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31/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.11792 of 2024

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COPY TO

THE INSPECTOR OF POLICE
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.

+1 CC to M/s.S.SELVAKRISHNAN, Advocate (SR-9078[I] dated 31/07/2024)

ORDER
IN
CRL OP(MD) No.11792 of 2024
Date :31/07/2024

PKP/31.07.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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