



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/08/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11121 of 2021

P.George Ponnaiah

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Arumanai Police Station,
Kanniyakumari District. Kanyakumari.
Crime No.377 of 2021. ... Respondent/Complainant

For Petitioner : Mr.T.Lajapathi Roy, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)
For Defacto Complainant : Mrs.Victoria Gowri, Advocate.

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For bail in crime.no.377 of 2021 onthe file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 24.07.2021 for the offences punishable under Sections 143, 153A, 295A, 505(2), 506(i), 269 I.P.C and Section 3 of Epidemic Disease Act, 1987, in Crime No.377 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner has made some derogatory statements against the religious and political leaders during a meeting which was held on 18.07.2021.

3.The learned Government Advocate(Crl.Side) appearing for the respondent police and Mrs.Victoria Gowri, learned counsel appearing for the defacto complainant have strongly opposed to grant bail to the petitioner on the ground that the petitioner has spoken unparliamentary statements against the religious and political leaders and if he is released on bail, it would cause distress among the people who are living peacefully in Kanyakumari District.

4.Mr.T.Lajapathi Roy, the learned Counsel fairly submits that the petitioner ought to have avoided certain unnecessary remarks in his public speech and he has also advised the petitioner to avoid such things in the future. The petitioner is also ready to file an



affidavit of undertaking that he will not make such statements as against the religious and political leaders in future. The learned counsel has also submitted that the petitioner is having heart problem and he is taking treatment for the said illness and he is also prepared to stay away from Kanyakumari District.

5.Considering the rival submissions, the period of incarceration and the fact that the petitioner is ready to file an undertaking affidavit that the he will not make such unparliamentary words in future, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and on further conditions that:

[a] 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 stay at Trichy and report before the Thillai Nagar Police Station daily at 10.30 a.m. until further orders.

[c] the petitioner shall also file an undertaking affidavit that he will not make such derogatory or unparliamentary words as against the religious and political leaders in future.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f] 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]**.

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

sd/-
10/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE SUPERINTENDENT,
PALAYAMKOTTAI CENTRAL PRISON,
TIRUNELVELI.
 - 4 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANNIYAKUMARI DISTRICT.
KANYAKUMARI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 6 THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY.
- +1. CC to MR.T.LAJAPATHI ROY, Advocate SR.No.5273.

ORDER
IN

CRL OP(MD) No.11121 of 2021

Date :10/08/2021

MSA

MK/PN/SAR.III/10.08.2021/3P/8C

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