

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15991 of 2018

VIRENDRA KUMAR GUPTA

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
KATTOOR POLICE STATION,
COIMBATORE CITY.
CR.NO.696 OF 2018.

[RESPONDENT]

For Petitioner : M/S.J.JAYAN Advocate

For Respondent : MR.C.RAGHAVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.696 of 2018 registered by the respondent police for the alleged offence punishable under Sections 153B(1) (b) and 505(1)(c) of IPC.

2. The case of the prosecution as per the de-facto complainant Ashokkumar is that he is a member of AIADMK party and that he used to attend all the programmes of the Hon'ble Chief Minister. The allegation against the petitioner is that he had uploaded a photo as if the Hon'ble Chief Minister was found along with an accused in a case and thereby, attempted to spread false news about the Hon'ble Chief Minister.

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 submit that the above allegation pertains to a publication of news reported in a web magazine called "DailyHunt", wherein the petitioner carried a new, which was already published in a web magazine vikatan.com, wherein the alleged photograph in which an accused person found standing near the Hon'ble Chief Minister, was uploaded. He would submit that this news and photo had also been published in several magazines, newspapers and other on-line blogs. He would also submit that this news item was published on 07.06.2018 in the web magazine vikatan.com and he had carried it based on agreement with vikatan.com. He would further submit that he had not circulated any false and fake news about the Hon'ble Chief Minister and that he has also removed the said photograph from

the website immediately on coming to know of the complaint.

4. The learned Government Advocate (Crl.Side) opposed to grant anticipatory bail stating that the petitioner had uploaded a photo in order to defame the image of the Hon'ble Chief Minister and that the complaint has been given by Ashokkumar, who belongs to AIADMK party.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following 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-II, Coimbatore, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

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

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATTOOR POLICE STATION,
COIMBATORE CITY.

+1CC to M/S.J.JAYAN Advocate on payment of necessary charges
SR NO.11816

CRL OP.15991/2018

Date :28/06/2018

MK:04/07/2018