



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2304 of 2018

MOHANRAJ

... PETITIONER / ACCUSED
NAME NOT MENTIONED IN THE F.I.R.

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
IN CRIME NO.331 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.JOEL PAUL ANTONY, Advocate for
Mr.G.MATHAVAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 67 and 67A of Information Technology Act, 2000, in Crime No.331 of 2017, seeks anticipatory bail.

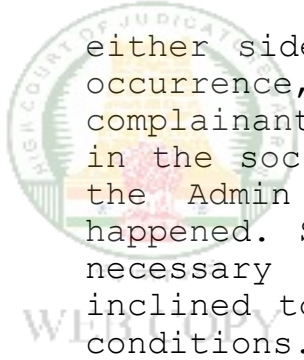
2. The case of the prosecution is that the petitioner has uploaded the defacto complainant's photograph after inclusion of some abusive words in the social media, as a result of which this case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that totally 3 accused are involved in this case, this petitioner is arrayed as A2. He further added that A1 was arrested and released on bail by the Sessions Court. He further submitted that the investigation is going on.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The submissions made by the learned counsels appearing for



either side are considered. It is alleged that during the time of occurrence, another accused in this case has uploaded the defacto complainant's photograph after inclusion of some unnecessary words in the social media. As far as this petitioner is concerned, he is the Admin for the group in which the alleged occurrence was happened. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Musiri, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 05.00 p.m., for a period of two weeks and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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]**.

sd/-
14/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.G.MATHAVAN Advocate SR.No.2465

PJL

JAM/19/02/2018/PM-PN/ SAR 4/ 3P-6C

ORDER

IN

CRL OP(MD) No.2304 of 2018

Date :14/02/2018