

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5880 of 2020

A.DURAIMURUGAN

[ PETITIONER / ACCUSED ]

Vs

STATE BY

SUB INSPECTOR OF POLICE,  
C1 SRIPERUMBADUR POLICE STATION,  
SRIPERUMBADUR, CHENNAI.  
(CR.NO. 122 OF 2020)

[ RESPONDENT ]

For Petitioner : M/S. F.CAMILUS SELVA Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153 A and 504 of IPC, in Crime No.122 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant viz., Arul Raj is a President of Congress Committee at Thiruperumbudhur. The petitioner acted and uploaded "Tik Tok" Video defaming Late Prime Minister Rajiv Gandhi and thereby intended to create enmity between two groups. Based on the complaint given by the defacto complainant, the case in Crime No.122 of 2020 was registered for an offence under Sections 153A and 504 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the contents in the video do not attract the ingredients of offence under Section 153A of IPC. However, since some objections have been raised from the opposite parties, the petitioner has also removed the content from the Web. He would further submit that the petitioner undertakes that he would not upload such video in future. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner uploaded certain video defaming Late Prime Minister Rajiv Gandhi, which intended to create enmity between different groups. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, 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 on which the order copy is made ready, before the learned Judicial Magistrate, Sriperanbudur, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 two weeks and thereafter as and when required.

[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/-

17/03/2020

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,  
SRIPERANBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 SUB INSPECTOR OF POLICE,  
C1 SRIPERUMBADUR POLICE STATION,  
SRIPERUMBADUR, CHENNAI.

+2 CC to M/S. S.XAVIER FELIX Advocate on payment of necessary charges Sr.No.5239

CRL OP.5880/2020

Date :17/03/2020

RVR 15/04/2020

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