

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7457 of 2020

Varadharajan

... Petitioner

Vs.

The State rep.by

.... Respondent

The Inspector of Police,
Namakkal Police Station,
Namakkal Town and District.
Crime No.361 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.361 of 2020 on the file of the respondent police.

For Petitioner : Mr.Sundaravadhanan

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2020 for the offence punishable under Sections 153A and 295A IPC in Crime No.361 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner had forwarded a false message in whatsapp stating that, the defacto complainant was running a Shobika Cloth Centre, he along with three persons were affected with Corona Virus and they have been arrested by the police and taken to hospital for giving treatment. Out of the four persons, two persons were died, which had resulted in spreading communal hatred message against Muslims. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence as alleged by the prosecution. It is a false case and it has been falsely implicated, the earlier bail petitions in CrI.M.P.Nos.415 of 2020 and 440 of 2020 were dismissed on the file of the Principal District Court, Namakkal, dated 17.04.2020 and 24.04.2020 respectively. Further he would submit that the petitioner is in judicial custody from 11.04.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner send a whatsapp message and forward the same to the entire society with false information about Covid-19. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also the petitioner is in judicial custody from 11.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

[a] the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/05/2020

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

TRUE COPY

TO

1 THE PRINCIPAL SESSION JUDGE,
NAMAKKAL.

2 THE JUDICIAL MAGISTRATE NO.I
NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL TOWN AND DISTRICT.

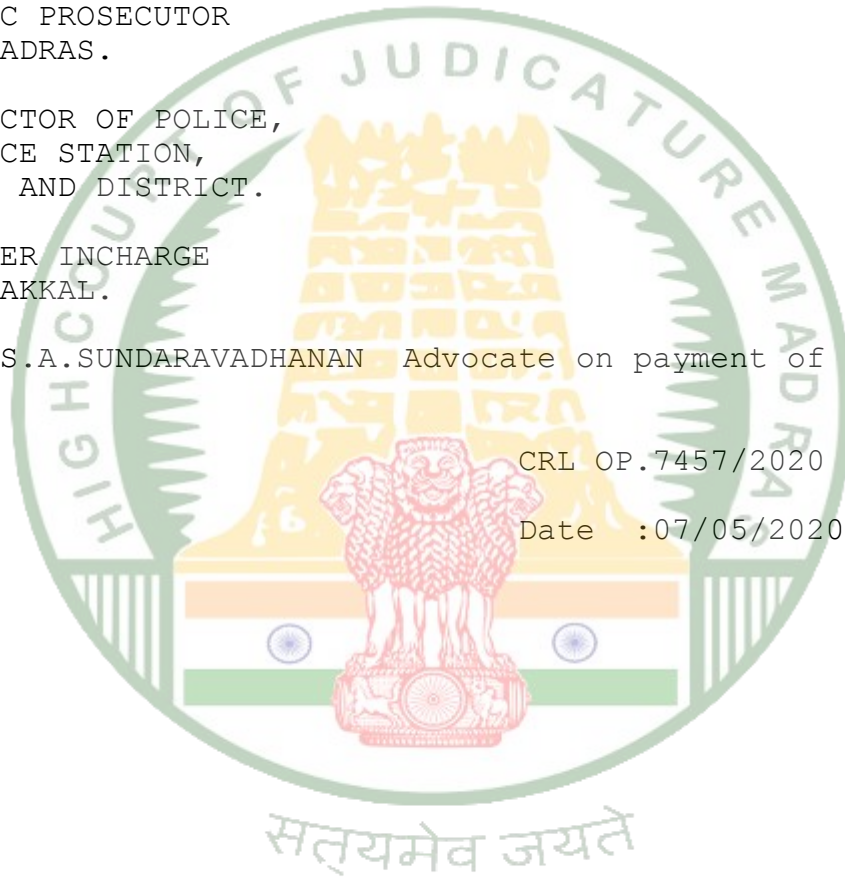
6 THE OFFICER INCHARGE
SUB JAIL, NAMAKKAL.

CC to M/S.A.SUNDARAVADHANAN Advocate on payment of necessary
charges

CRL OP.7457/2020

Date :07/05/2020

TA-17/07/2020



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