

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7442of 2020

Sivaji @ Sivakumar

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
Thiruthuraipoondi Police Station
Tiruvarur District.
Cr. No.899 of 2020

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.899 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Karthikeyan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2020 for the offence punishable under Sections 153, 504 and 505 (ii) of IPC r/w Section 74 of Information Technology Act, 2000, in Crime No.899 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner appears to have committed offence of posting materials in his face book account with intent to cause riot and insult other religious people. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that there is no intention to cause riot, insult or to provoke breach of the peace and also not spread false statements with fraudulent purpose. Further the petitioner was arrested on 25.04.2020 and he is innocent and law-abiding citizen. He has not committed any offence as alleged by the prosecution. Hence, he

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the Central Government as well as the State Government has declared the nationwide lockdown from 24.03.2020, due to Covid-19 pandemic. On taking advantage of the situation, the petitioner herein has posted the materials in his facebook account with intent to cause riot and insult other religious people.

5. It is seen that the petitioner has posted some false news in his facebook account, with intention to cause riot and insult other religious people, during the lockdown period, which arose due to Covid-19 pandemic.

6. Considering the nature of allegations and the fact that the petitioner is in incarceration from 25.04.2020, this Court is inclined to grant bail to him, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, and on such deposit the petitioner is ordered to be released on bail on executing 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 not post any false messages on his facebook account, which may lead to law and order issue, in future. Failing which, the respondent police is directed to take appropriate action against the petitioner, in accordance with law.

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

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

[e] the petitioner shall not tamper with 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.

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

-sd/-
08/05/2020

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 CHIEF MINISTER PUBLIC RELIEF FUND,
TAMIL NADU.

2 THE PRINCIPAL SESSIONS JUDGE
TIRUVARUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, MANNARGUDI.

CC to MR.G.KARTHIKEYAN, Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7442/2020

Date :08/05/2020

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TA-11/06/2020