

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8327 of 2020

Anantha Kumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.482 of 2020 on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 153(A), 505(ii) of IPC in Crime No.482 of 2020 on the file of the respondent police,

2.The case of the prosecution is that the petitioner was involved in circulating messages through social media by making allegations against a particular community.

3.The learned counsel for the petitioner submitted that the petitioner regrets for having forwarded such messages and the petitioner is willing to file an affidavit tendering his unconditional apology and that the petitioner will not involve in any such activities in future.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the petitioner by circulating such messages is causing disharmony among the persons belonging to different religions and if this is left unchecked, the same will result in untoward incidents. The learned counsel submitted that the message that has already been circulated is a clinching evidence for the offence committed by the petitioner. The learned Additional Public Prosecutor vehemently opposed the grant of anticipatory bail in favour of the petitioner.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to this 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 made ready, before the learned Judicial Magistrate, Sulur 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to file an affidavit before the learned Magistrate concerned, tendering his apology and undertaking not to circulate any such messages in future. The filling of this affidavit is without prejudice to the right of the petitioner to contest the case on merits.

[c]the petitioner is directed to deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) each directly to the to the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).

[c] the petitioner shall report before the respondent police every Monday and Friday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

09.06.2020

Index :Yes/No
Internet : Yes/No
vkr/rka

To

- 1.The Judicial Magistrate,
Sulur.
- 2.The Inspector of Police,
Sulur Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
Madras High Court, Madras.



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