

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.8988 of 2020

Mr.Pradeep Saran

... Petitioner

Vs.

The State rep.by its
The Inspector of Police,
Central Crime Branch 1,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to grant anticipatory bail to the petitioner in the event of arrest in Crime No.185 of 2020 on the file of the respondent police.

For Petitioner : M/s.AL.Ganthimathi

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under **Sections 420 and Section 505 (1) (b) of IPC in Crime No.185 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the complainant Mr.R.Kirlosh kumar I.A.S., Managing Director TASMAL, Chennai, had stated that someone had posted a false and misleading information in the social media i.e. whatsapp with a link <http://try-tasmal.web.app/> to purchase liquors through online. Further the buying procedures, payment options, delivery methods cited in the online are fake and since it is posted purely to cheat and mislead the public, the complainant had requested to investigate the accused for circulating the misleading information.

3. The learned Counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had circulated false and misleading informations that TASMAL had launched web based TASMAL App for buying liquor through online and uploaded buying procedures in the online forum with an intention to cheat and mislead the public. He further submitted that **41A notice was served to the accused on 10.06.2020 to appear for enquiry before the investigating officer on 15.06.2020 at 10.00 hrs. But the petitioner did not appear.** Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. 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 of lifting of lock down and the commencement of the Court's normal functioning before the respondent police, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** along 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 shall report before the respondent police daily at 10.30.a.m for the period of two weeks and thereafter as and when required for interrogation.

[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 229A IPC.

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

-sd/-
09/07/2020

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 CENTRAL CRIME BRANCH,
CBCID SPECIAL COURT,
EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH I,
CHENNAI.

CC to M/S. AL.GANTHIMATHI Advocate on payment of
necessary charges

CRL OP.8988/2020

Date : 09/07/2020

GKS (RD) : 04/08/2020

WEB COPY