

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9770 of 2020

Thirumurugadinesh

...Petitioner

Versus

The State Represented by ...Respondent

The Inspector of Police,
Tiruppur South Police Station
(Crime. No. 307/2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.307 of 2020 on the file of the respondent police.

For Petitioner : Mr.J. Franklin

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 153, 295A, 298, 505 (1) (b), 505(1) (C) of IPC r/w 66 and 66A of IT Act in Crime No.307 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has posted in his face book account as if in India, Corona disease is spreading due to Muslims, who went to Thabliq conference held at Delhi and has instigated religious riot and has created abnormal situation.

3. The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner and he is nothing to do with the crime as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the petitioner keeps on posting false messages in order to create disharmony among the religions in his face book.

5. It is seen that the petitioner has posted a message in his face book account as if in India, because of muslims who attended the Thabliq conference at Delhi, corona disease is spreading.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall file an undertaking affidavit stating that he will not indulge in any such illegal activities and spread false messages, which will create disharmony among the religions in future. If he spreads any illegal messages that is related to covid, the respondent is directed to take appropriate action in accordance with law and on further condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of the **Chief Minister Public Relief Fund, Tamilnadu**, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Tiruppur, 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 shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of the **Chief Minister Public Relief Fund, Tamilnadu**, and shall produce the said receipt before the Court below.

[c] 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 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 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.

-sd/-
02/07/2020

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 JUDICIAL MAGISTRATE NO.II,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,

5 THE SECRETARY TO GOVERNMENT,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST. GEORGE, CHENNAI 600 009.

CC to M/S J.FRANKLIN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9770/2020

Date :02/07/2020

TA-29/07/2020

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