

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12186 of 2020

Sathishkumar @ Sadha Nadar

... Petitioner

vs

State Rep. By

...Respondent

The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
Crime.No.1214 of 2020.

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1214 of 2020 on the file of the respondent Police.

For Petitioner : Mr. K.Balasubramaniam

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

ORDER

(This 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 509, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.1214 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one V.Vijayalakshmi, the de-facto complainant has lodged a complaint on 31.07.2020 against the petitioner that on 20.07.2020 at about 4.30p.m., he has sent a threatening Whatsapp message asking her to seek a public apology, either through audio or video for degrading a political leader who belong to his community.

3. The learned counsel for the petitioner would submit that the **petitioner is an innocent person and that he has only sent a message(text) asking** her to seek an apology for using

unparliamentary words. He would further submit that Vijayalakshmi has sent an abusive message against the political leader Seeman and for which, the petitioner has sent a reply message asking her to send a public apology. Other than that message, the petitioner has not sent any message. He also submit that the petitioner has filed an affidavit, wherein he has expressed his unconditional apology to the de-facto complainant in respect of this issue (forwarding abusive Whatsapp message). Further, the petitioner has given an undertaking that in future, he will not send any message nor call the de-facto complainant with regard to this issue.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose stating that the petitioner, who has no connection to the de-facto complainant has sent an abusive message asking her to forward a public apology in respect of a dispute between the de-facto complainant and a political leader.

5. Heard the learned counsels and perused the FIR & the affidavit of undertaking filed by the petitioner.

6. The affidavit of undertaking filed by the petitioner is taken on record.

7. Taking into consideration the facts and submissions made by the learned Counsels and also the affidavit of undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

8. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned **XVIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.**

[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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

11/09/2020

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
CHENNAI.

CC to M/S. K.BALASUBRAMANIAM Advocate on payment of necessary charges

CRL OP.12186/2020

Date :11/09/2020

TA-30/09/2020