

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12243 of 2020

Vasantharaja

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Poraiyar PS,
Nagapattinam District.
(Crime No.671 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.671 of 2020 on the file of respondent Police.

For Petitioner : Mr.A. Mohamed Ismail

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 alleged offences punishable under sections 153, 504 of IPC and Section 66 of the Indian Technologies Act in Crime.No.671 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalaivanan is that the petitioner had posted objectionable posts against one political party in the social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner and the defacto complainant belong to rival political parties and a false case has been given. He would further submit that the petitioner has filed an affidavit of undertaking stating that he will not post any such

objectionable posts in future and he has also expressed his regret and remorse for the same. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has uploaded abusive messages against one political party. However, he opposed to grant anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate, Tharangambadi, on condition that the petitioner shall execute a separate 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 report before the respondent police daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered. The affidavit of undertaking filed by the petitioner shall form part of the Court records.

-sd/-
07/09/2020

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 JUDICIAL MAGISTRATE,
THARANGAMBADI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PORIYAR PS,
NAGAPATTINAM DISTRICT.

CC to M/S. A.MOHAMED ISMAIL Advocate on payment of necessary charges

CRL OP.12243/2020

Date :07/09/2020

cs 24/09/2020

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