

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12414 of 2020

A.M. Mohan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Valangaiman Police Station,
Valangaiman Town and Taluk,
Thiruvarur 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.1665 of 2020 on the file of the respondent police.

For Petitioners : Mr. S.S.Sathiaselvan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 504, 505(1)(b) and Section 74 of Information Technology Act, 2000 in Crime No.1665 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Naveen Kumar, VAO, Alangudi Village is that the petitioner, who is the Village President had circulated false messages about the activities of the Government taken during COVID period with an intent to insult and to provoke breach of peace and demoralise the government servants. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the President of the Village Panchayat and concerned about the health of the persons in his village and thereby he has circulated the messages in Whatsapp for the interest of the village members. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had circulated false messages about the activities taken by the Government during the COVID -19 with an intent to insult and to provoke breach and demoralize the government servants. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif-cum-Judicial Magistrate, Valangaiman, 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 surety 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 every day 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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.

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

-sd/-
08/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
VALANGAIMAN,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
VALANGAIMAN TOWN AND TALUK,
THIRUVARUR DISTRICT.

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

WEB COPY

CRL OP.12414/2020

Date :08/09/2020

cs 24/09/2020