

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13469 of 2020

K.Stephen

... Petitioner

Vs.

The State,

... Respondent

The Inspector of Police,

Thirukazhukundram Police Station,

Chengalpattu District.

Crime No.319 of 2020

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.319 of 2020 dated 16.04.2020 on the file of the respondent.

For Petitioner : Mr.K.Magalingam

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)(a), 294(b), 353 and 506(i) of IPC, in Crime No.319 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused made a tiktok video as that the first accused Mahendiravarman was holding a sickle and waking outside a Police Station with a background song and uploaded it the social media with an intention to insult to provoke breach of order to demoralise the police force. 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 further submit that the said Tiktok video, in which the accused / Mahendiravarman acted was recorded by the

second accused / Prabakaran. He would further submit that they have been arrested and only on their confession, the petitioner's name was added in the complaint. The petitioner is neither the person who acted in the video nor the one who circulated the video in WhatsApp and there is no allegation against the petitioner. He would further submit that he had been implicated in this case based on the confession of the first accused that the sickle belongs to the petitioner. The first accused who acted in the video has been enlarged on bail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused shot a video as that the first accused was holding a sickle with the background of Police Station and uploaded in WhatsApp. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Thirukazhukundram, Chengalpattu, 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 everyday 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.

-sd/-
10/09/2020

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 COURT,
THIRUKAZHUKUNDRAM, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKAZHUKUNDRAM POLICE STATION,
CHENGALPATTU DISTRICT.

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

CRL OP.13469/2020

Date :10/09/2020

TA-30/09/2020

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