

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

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

CrI.O.P.No.13807 of 2020

Ganesan @ Vedai Ganesh
S/o. Vedaiyan

... Petitioner

/versus/

State represented by
The Inspector of Police,
Vedaranyam Police Station
Nagapattinam District,
(Crime No.1028 of 2020)

.... Respondent

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.1028 of 2020 pending investigation on the file of Respondent Police.

For Petitioner : Mr.N.Naresh

For Respondent : Mr.M.Mohamed Riyaz
Addl. 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 505 (1) (b) r/w. 67 IT Act in Crime No.1028 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant viz., Veeramani, who is the District President of the IT Wing and social welfare wing of the political party, is that the petitioner uploaded some messages in social media with intent to cause disturbance to public tranquility. 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 due to political enmity. He further submitted that he had only uploaded political messages whereas it has been mistaken by the defacto complainant since he belongs to the counter party. The petitioner has also filed an affidavit undertaking not to upload any

such messages in future.

4.The learned Additional Public Prosecutor vehemently stating that the petitioner had uploaded certain messages in social media, which would affect the public tranquility.

5.Taking into consideration the facts and circumstances of the case and also the submission made by both the counsel and the affidavit of 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 on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam, 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 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 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.

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

The affidavit of undertaking shall from part of court records.

-sd/-
14/09/2020

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,
VEDARANYAM, NAGAPATTINAM DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DIST.

+1 CC to M/S. N.NARESH Advocate on payment of necessary charges
sr no.6238

CRL OP.13807/2020

Date :14/09/2020

RD 21/09/2020

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