

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

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

Crl.O.P.No.14109 of 2020

Kannadhasan,
S/o. Kasivel

... Petitioner

Vs.

State Rep. By
The Sub Inspector of Police
Veraiyoor Police Station,
Thiruvannamalai District
(Crime No.2440 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.2440 of 2020 on the file of the Sub Inspector of Police, Veraiyoor Police Station, Thiruvannamalai District.

For Petitioner : Mr. R. Sankarasubbu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 27.08.2020 for the offences punishable under Sections 124 (A), 153 B(1) (a) of IPC and Section 2 of Prevention of Insults to National Honour Act 1971 in Crime No.2440 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, the Sub Inspector of Police is that the petitioner has posted abusive contents in Social Media which were seditious in nature to bring hatred or contempt against the Government established by law in India and by posting such material, the petitioner acted in a manner prejudicial to national integration.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to political animosity. He had posted certain materials in respect of his political ideology and hence a false complaint has been registered against the petitioner. He would further submit that the petitioner was arrested and remanded to judicial custody on 27.08.2020 and the major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner has posted abusive contents in Social Media which were seditious in nature to bring hatred or contempt against the Government established by law in India and by posting such material, the petitioner acted in a manner prejudicial to national integration. He would further submit that the petitioner has one previous case of similar nature and the investigation is pending.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration of the petitioner from 27.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) Thereafter, 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 learned Judicial Magistrate-1, Thiruvannamalai, within a period of two weeks from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

7.

-sd/-

16/09/2020

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,
NO.I, THIRUVANNAMALAI

2 THE JAILER
SUB-JAIL, PLUR,
THIRUVANNAMALAI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VERAIYOOR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

सत्यमेव जयते

CRL OP.14109/2020

Date :16/09/2020

RD 16/09/2020

WEB COPY