

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14917 of 2020

L.M. Karthick

... Petitioner

Vs.

The Station House Officer,
All Women Police Station,
Panruti.
(Crime No.26 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.26 of 2020 on the file of the Station House Officer, All Women Police Station, Panruti.

For Petitioner : Mr.K.Sasindran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For Intervenor : Mr. Sudhakar

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 509 of IPC r/w 4 of Tamil Nadu Harassment of Women Act and Section 67 of Information Technology Act in connection with Crime No.26 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Rajalakshmi is that the petitioner has uploaded abused contents against her in the social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. They were employees of the company. Due to rivalry in the trade union, there was a previous enmity between them with regard to certain discussion made by the management and thereby false allegations were foisted against the petitioner. He would further submit that the defacto complainant uploaded certain memes against the petitioner that is

the reason for subsequent events. He would submit that the petitioner has now expressed his remorse for having uploaded such videos and also filed an affidavit of undertakings before this Court as per the earlier order dated 15.10.2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner uploaded abused contents in social media against the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned Intervenor appearing for the defacto complainant would submit that he is prepared to accept the affidavit of undertaking and the remorse expressed by the petitioner.

6. Taking into consideration the fact that the petitioner has filed an affidavit of undertaking stating that he will not interfere with the life of the defacto complainant and her husband by publishing abusive content in Social Media, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Panruti** 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:

[b] 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.

[c] the petitioner shall report before the **Learned Judicial Magistrate -II, Panruti** for a period of two weeks and report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in

P. K. Shaji vs State of Kerala [(2005)AIR SCW 5560].

[g] 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.

-sd/-
05/11/2020

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.II, PANRUTI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
PANRUTI.

+1 CC to M/S. K.SASINDRAN Advocate on payment of necessary charges SR.NO.7419

CRL OP.14917/2020

सत्यमेव जयते Date :05/11/2020

TA-19/11/2020

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