

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No. 15106 of 2020

Prabhakaran,

S/o.Jothi

... Petitioner/Accused

Vs.

The State represented by,

The Inspector of Police,

Tirukalukundram Police Station,

Chengalpattu.

[Crime No. 319 of 2020]

... Respondent/Complainant

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

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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**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,

506(ii) of IPC, in Crime No.319 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., K.Vasudevan, Sub-Inspector of Police, at Tirukalukundram Police Station is that the petitioner along with other accused has uploaded certain Tik-Tok videos defaming and demeaning the police and thereby, a case was registered.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be a friend of the main accused viz., Mahendiravarman. He would submit that the petitioner has filed an affidavit of undertaking by expressing his remorse that he will not indulge in such activities hereinafter. He would further submit that the said Tik-Tok video, in which the first accused/Mahendiravarman acted was recorded by the second accused/Prabakaran and that the first accused who acted in the video has been enlarged on anticipatory 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 had shoot a video as that the first accused was holding a sickle with the background of Police Station and uploaded it in WhatsApp. Hence, he opposed to grant anticipatory bail to the petitioner.

5           Taking into consideration of the facts and circumstances of the case and also considering the submissions made by the learned counsels, admitted the affidavit of undertaking filed, 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 from the date on which the copy of this order is made ready, before the learned 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 every day 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.

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**07.10.2020**

Internet : Yes/No  
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To

1.The District Munsif cum Judicial Magistrate, Thirukazhukundram.

2.The Inspector of Police,  
Tirukalukundram Police Station,  
Chengalpattu.

3.The Public Prosecutor,  
High Court, Madras.



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**A.D.JAGADISH CHANDIRA, J.**

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