

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17514 of 2020

S.Syed Asarath @ Chitti Babu

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Tiruppur South Police Station
Tiruppur City.
(Crime No.1509 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in crime No.1509 of 2020 on the file of the respondent police station.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This 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 153, 504, 505(1) (b) of IPC read with 67 of Information Technology Act**, in Crime No.1509 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant as per the defacto complainant Thangavel who is the Deputy Leader of the Advocate Wing of a particular political party is that the accused has posted abusive Memes in the Social Media, against the sitting MLA of the ruling party . Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that one Abu Bakkar is the person who had actually posted the content in the Social Media and due to political animosity, the petitioner's name has been implicated in this case.

Even as per the F.I.R., the person against whom the Memes are said to have uploaded, has not filed any complaint. Whereas, the complaint has been filed by a 3rd party. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused had uploaded abusive contents in the Social Media, against a sitting MLA of the ruling party and that the complaint has been filed by the Deputy leader of the particular political party in which the MLA belongs to. Hence, he vehemently opposed for grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready before **the learned Judicial Magistrate-II, Tiruppur**, 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 daily 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/-
20/11/2020

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, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR CITY.

+1 CC to M/S. J.FRANKLIN Advocate on payment of necessary
charges SR.NO.7759

CRL OP.17514/2020

Date :20/11/2020

TA-07/12/2020

WEB COPY