

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18315 of 2020

Udhayakumar

... Petitioner

-Vs.-

STATE BY

Sub Inspector of Police,
Veppamkuppam Police Station,
Anaicut Taluk,
Vellore District.
(Crime No.859 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.859 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.P.Arthi

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 were arrested and remanded to judicial custody on 27.10.2020 for the offences punishable under Sections 153(A), 505(2) of IPC in Crime No.859 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Secretary of Anaicut Union, Vellore District, who had lodged a complaint stating that the petitioner had criticized his party leader and uploaded the same in the social media.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has great respect to all the political leaders and the occurrence took place when his son was playing in his smart phone and had inadvertently typed some text message and the same got uploaded in the social media. He would further submit that this fact came to his knowledge only after the complaint was lodged.

He would further submit that the petitioner has also filed an affidavit of undertaking stating that he will not indulge in such activities in future.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the defacto complainant is the Secretary of Anaicut Union, Vellore District, who had lodged a complaint against the petitioner that he had criticized his party leader and uploaded the same in the social media. He would further submit that there is no previous case pending against the petitioner.

5. Heard the learned counsel on either side. Perused all the materials placed on record including the undertaking affidavit filed by the petitioner.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also taking into account of the affidavit of undertaking filed by the petitioner that he will not indulge in such activities in future, 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 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 Court of Judicial Magistrate-III, Vellore, and on further conditions that:

(b) 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;

(c) the petitioner, on his release from prison, shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

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

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

(g) 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];

(h) 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.

-sd/-
02/12/2020

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.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
VEPPAMKUPPAM POLICE STATION,
ANAICUT TALUK, VELLORE DISTRICT.

CC to M/S.S.P.ARTHI Advocate on payment of necessary charges

CRL OP.18315/2020

Date :02/12/2020

MK:03/12/2020