

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18590 of 2020

Nilavarasan

... Petitioner

Versus

State Rep.by

The Inspector of Police,
CCB, Team-II, Chennai.
(Crime No.202 of 2018)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.202 of 2018 on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence under Sections 66, 43(j), 66D of Information Technology (Amendment) Act 2008, in Crime No.202 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Anbarasan is that he is a practising advocate at High Court of Madras and the petitioner-A2 along with his sister Poulia-A1 had hacked the face book account of the defacto complainant and changed his password ID and sent the obscene messages to several persons. Hence, the complaint.

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 submit that the defacto complainant had committed offences under IT Act and that in order to hide the same, he has created a false complaint against the petitioner. He would further submit that the cases has been registered as per the directions from the Court and this case is of the year 2018. Hence, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner-A2 along with his sister-A1 had hacked the face book account of the defacto complainant and changed his password ID and sent the obscene messages to several persons. However, he vehemently opposed for grant of bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 was made ready, before the **Learned Judicial Magistrate No.I, Alandur**, 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 conditions 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., for the period of two weeks and thereafter every Monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8.With these observations and directions, this Criminal Original Petition is ordered.

-sd/-
11/12/2020

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.I, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB, TEAM-II,
CHENNAI.

CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.18590/2020

Date :11/12/2020

TA-22/12/2020

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