

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18811 of 2020

Suresh Kumar

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
Ranipet Town Police Station,
Ranipet District.
[Crime No. 1337 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. 1337 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Rajendiran

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

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 153A(1) (a), 294(b), 505(2), 506(1) of IPC r/w Section 67 of Information Technology Act 2000 in Crime No. 1337 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Janakiraman is that he is the State Deputy Secretary, legal wing, Pattali Makkal Katchi and practising as advocate at Ranipet Court and belongs to Vanniyar Community. The allegation is that on 07.11.2020 at 09.20 a.m., the petitioner has posted an abusive video in the social media against the Vaniyar Community and that one Kesavan, Srinivasan Pettai have spread the video over the Social Media with an intention to clash between two communities. Hence, the complaint.

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 due to previous enmity. He would

submit that the defacto complainant has been creating the communal clash between two communities in order to organize his community people to support him and that the petitioner neither created nor spread over the offensive video in the social media. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has posted an abusive video in the whatsapp about the PMK party and that one Kesavan, Srinivasan Pettai have spread the video over the Social Media. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 order copy is made ready, before the learned Judicial Magistrate, Arakkonam, 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., for a 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 55601

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/12/2020

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANIPET TOWN POLICE STATION,
RANIPET DISTRICT.

+1 CC to M/S.M.RAJENDIRAN Advocate on payment of necessary charges SR.No 7867

सत्यमेव जयते

CRL OP.18811/2020

Date :01/12/2020

WEB COPY

MN-07/12/2020