

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.19243 of 2020

Sarathkumar

... Petitioner

Vs.

State rep by

... Respondent

The Inspector of Police,
Sankar Nagar Police Station,
Kanchipuram District.
(Crime No.1002 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1002 of 2020 pending on the file of the respondent Police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.10.2020 for the offence punishable under Sections 66 (D) & 67 (A) of Information Technology Act, r/w 354 of IPC, in Crime No.1002 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Saravanan is that the petitioner posted abusive content in the social media projecting the wife of the *de facto* complainant as a call girl.

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 petitioner was arrested on 20.10.2020 and he is in custody for almost 50 days. He would further submit that mobile phone has also been recovered from him. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner posted abusive content in the social media projecting the wife of the *de facto* complainant as a call girl. He would submit that the investigation is pending in this case. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side and perused FIR.

6. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 20.10.2020, 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 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 learned Judicial Magistrate No.II, Tambaram 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 shall report before respondent police everyday at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

07/12/2020

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-II,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SANKAR NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.

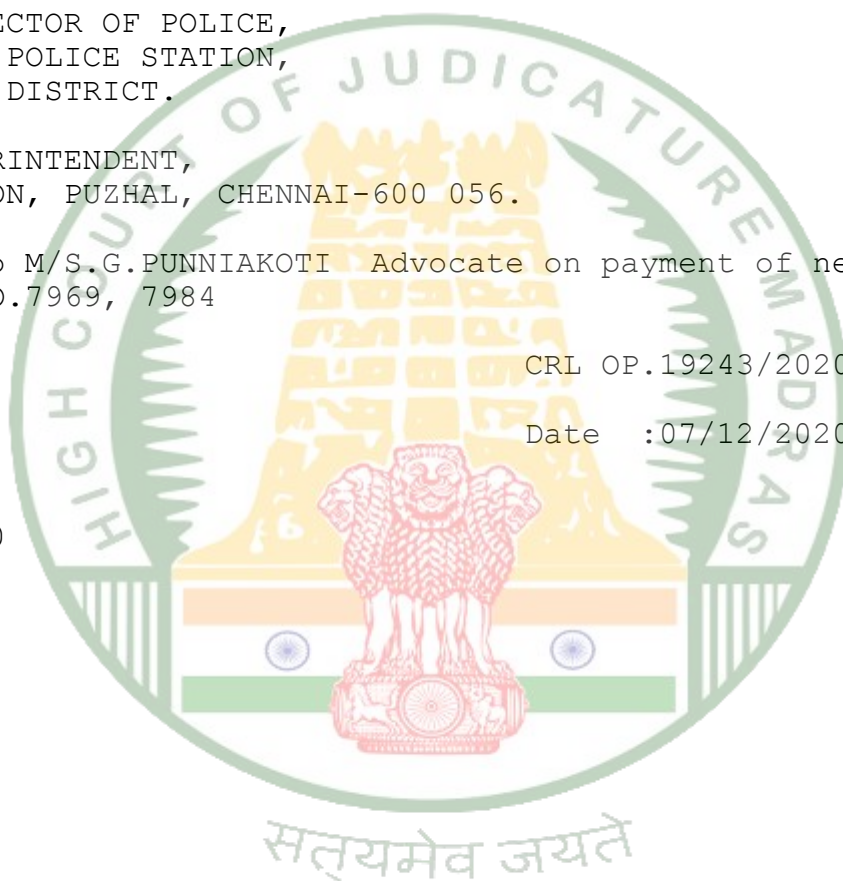
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI-600 056.

+2 CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary
charges SR.NO.7969, 7984

CRL OP.19243/2020

Date :07/12/2020

TA-08/12/2020



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