



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.7801 of 2020

WEB COPY

Aravind Raja

... Petitioner/Sole Accused

Vs

1. The State Represented by its
The Inspector of Police,
District Cyber Crime,
Ramanathapuum District,
Ramanathapuram.
Cr.No.287 of 2020..

2. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents/Complainants

For Petitioner : M/s.J.John Raja Durai,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.287 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of
the respondent police for the offences punishable under Section 66
[A] of Information Technology [Amendment] Act, 2008, in Crime No.287
of 2020, on the file of the respondent police, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner is said to
have forwarded some defamatory message in his cell phone criticising
the Hon'ble Prime Minister of India and Hindu Gods. Hence, the
complaint.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is the B.E. Graduate and the message has been
received from his friends, inadvertently, he had forwarded the same
to some other persons and there was no intention to defame anybody.
Without knowing the consequence, the petitioner has forwarded the
message.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner has forwarded the message in the Facebook page, criticising Hon'ble Prime Minister of India and Hindu Gods. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the rival submissions, it is seen that that the petitioner is only said to have forwarded the message in the Facebook, which was received from his friends and he has not created any message and it is stated that he has inadvertently forwarded the message and there was no intention to defame anybody, considering the same, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 as and when required for interrogation;

(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]**; and;

(f)if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

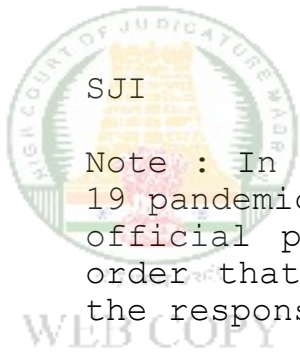
sd/-

04.08.2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate No.I, Ramanathapuram
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
District Cyber Crime, Ramanathapuum
District, Ramanathapuram.
4. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7801 of 2020

Date : 04/08/2020

VB (12.08.2020) 3P 6C