

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.566 of 2021

Athmanantham

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur, Thiruvarur Dt.
(Crime No.37 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.37 of 2021 pending on the file of the respondent.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as a sole accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 469 of I.P.C. r/w 66 of I.T. Act in Crime No.37 of 2021 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioner said to have uploaded some aggressive message in the social media against a Minister, who was affected with Covid-19. In the said circumstances, the present complaint has been filed and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that the petitioner has only posted a message stating that a local Minister had suffered with Covid-19. He would submit that due to political enmity, the defacto complainant has foisted a false case against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a President of Thiruvavarur Town and he belong to a political party. He would submit that the petitioner has uploaded an abusive message against a Minister, who was affected with Covid-19 and also stated that there are many archanaais are performed in the name of local minister and if those monies are spent for welfare of public, they will be benefitted. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the petitioner has only forwarded the message, which was received by him, he has not uploaded any of the message, and now the uploaded message has been deleted from the social media, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvavarur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

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

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

-sd/-
20/01/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges

CRL OP.566/2021

Date :20/01/2021

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MN-27/01/2021