

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.3549 of 2021

Sathish Kumar @ Sathish

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
(Crime No.117 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.117 of 2021 on the file of the respondent Police.

For Petitioner : Mr.M. Vinoth

For Respondent : Mr.S.Thankira
Government Advocate (Crl side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 153 and 295(A) of I.P.C in Crime No.117 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that one Kalyana Raman said to have uploaded some defamatory statements in social media against a particular politician and he was arrested and subsequently detained under Act 14, 1982 and this petitioner said to have uploaded some statements supporting that Kalyana Raman. Hence, the case was registered against the petitioners.

3. The learned counsel for the petitioner would submit that the petitioner did not upload any defamatory statements and he only supported the statement of Kalyanaraman. Apart from that there is no allegation against the petitioner. He would further submit that the petitioner has also filed an affidavit of undertaking that in future the petitioner will not upload any messages against any political party or any religion. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused uploaded defamatory statements. Hence, he opposed grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the petitioner only supported the statement of another person, apart from that there is no allegation against the petitioner and he has also filed an affidavit of undertaking that in future he will not make any defamatory statements against anybody, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court-I, Coimbatore 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 a period of two weeks and thereafter 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].

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

With the above directions this Criminal Original Petition is ordered.

-sd/-
26/02/2021

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 COURT-I,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR.No.2440

CRL OP.3549/2021

Date :26/02/2021

cs 04/03/2021