



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.13661 of 2021

[Through Video conference]

S.Vinoth Kumar

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
(Crime No.192 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.192 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.V.J.Priyadarsana
Government Advocate

ORDER

The petitioner, who apprehends arrest for the alleged offences punishable under Section 67 of the Information Technology Act, 2000 in Crime No.192 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are working together in a Finance Company for the past two years and last year the petitioner was resigned the job and joined in another Company as Collection Agent. The petitioner and his friends have created whatsapp group which consisting 65 members and sharing their messages and videos. On one day, abusing messages and videos were sent in the whatsapp group from the petitioner mobile number. Hence, the complaint was registered.



3. The learned counsel appearing for the petitioner submitted that this is the third anticipatory bail petition before this Court and the earlier application for anticipatory bail was dismissed by this Court vide order dated 25.06.2021 in CrI.O.P.No.10417 of 2021. He further submitted that the petitioner has also filed an Undertaking Affidavit dated 25.08.2021 in USSR No.6506 stating that the petitioner will never and ever indulge such activities in future at any circumstances and the petitioner is being a law abiding citizen and living with small family he will not commit such mistake with or without his knowledge. Therefore, he prays to accept this undertaking affidavit and to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent had objected seriously to grant anticipatory bail to the petitioner.

5. Heard the counsels and perused the copy of the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and after recording the Undertaking Affidavit dated 25.08.2021, filed by the petitioner, 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 (15) days from the date on which the copy of the order is made ready before the learned V Metropolitan Magistrate, Egmore, Chennai 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, the petition for anticipatory bail shall stand dismissed 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 report 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

22/09/2021

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 V METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI-01

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
K-8, ARUMBAKKAM POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary charges SR.No.10445

CRL OP.13661/2021

Date :22/09/2021

APN 24/09/2021