

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12921 of 2021

1.S.Balaji
2.Subash

...Petitioners

Versus

The State rep by its
The Inspector of Police,
W-27 All Women Police Station
Vadapalani
Chennai 600 026.
(Crime No.12 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest by the Respondent Police pending investigation in Crime No.12 of 2021 on the file of the respondent Police.

For Petitioner : Ms.Sheikh Mehrunnisha Kasim

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 417, 420, 506(i) IPC and Section 67A of the Information Technology Act, in Crime No.12 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are working in the media and there is a dispute between the defacto complainant and the petitioners. The petitioners in order to defame the name of the defacto complainant, posted messages against the defacto complainant in social media and hence, a complaint has been lodged by the defacto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and they have nothing to do with the offence. However, on instructions, she would submit that the petitioners have given an undertaking that they will

not spread any messages against the de-facto complainant in future.

4.The learned Government Advocate (CrI.Side) submitted that the the offence related to Information Technology Act.

5.Considering facts and circumstances of the case and considering the fact that the petitioners and the defacto complainant are working in press and the undertaking given by the petitioners that they will not spread any messages against the defacto complainant in future, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, No.I, Poonamalee, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand Only), each 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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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]***; and;

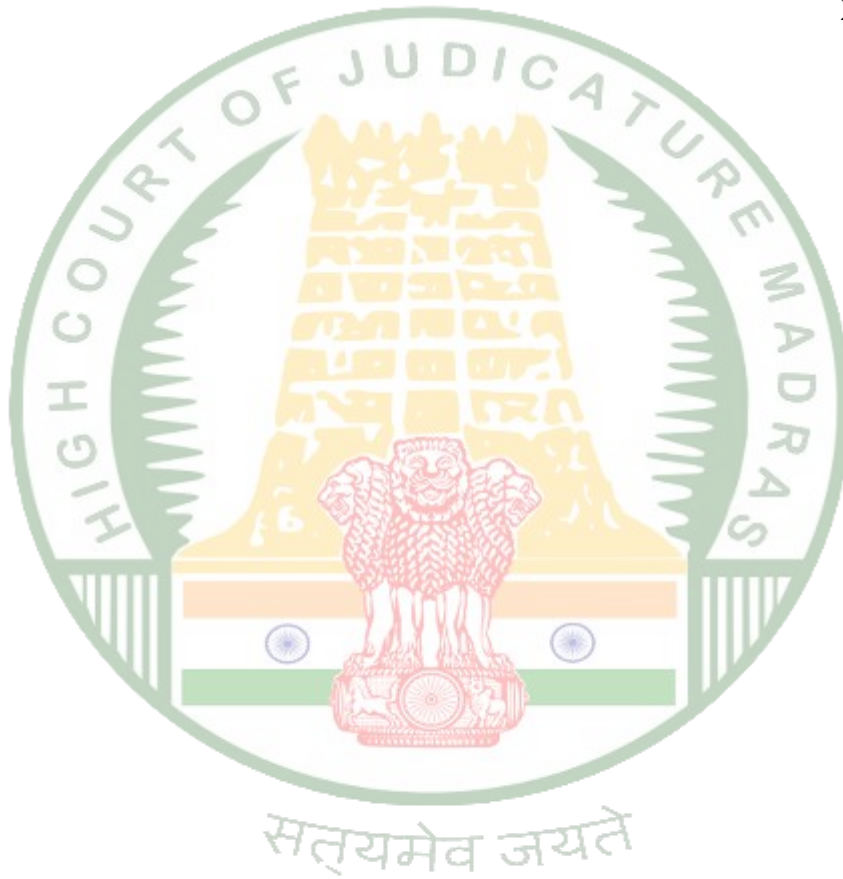
(g)if the accused thereafter absconds, a fresh FIR

can be registered under Section 229-A IPC.

7. In the result, this Criminal Original Petition is ordered.

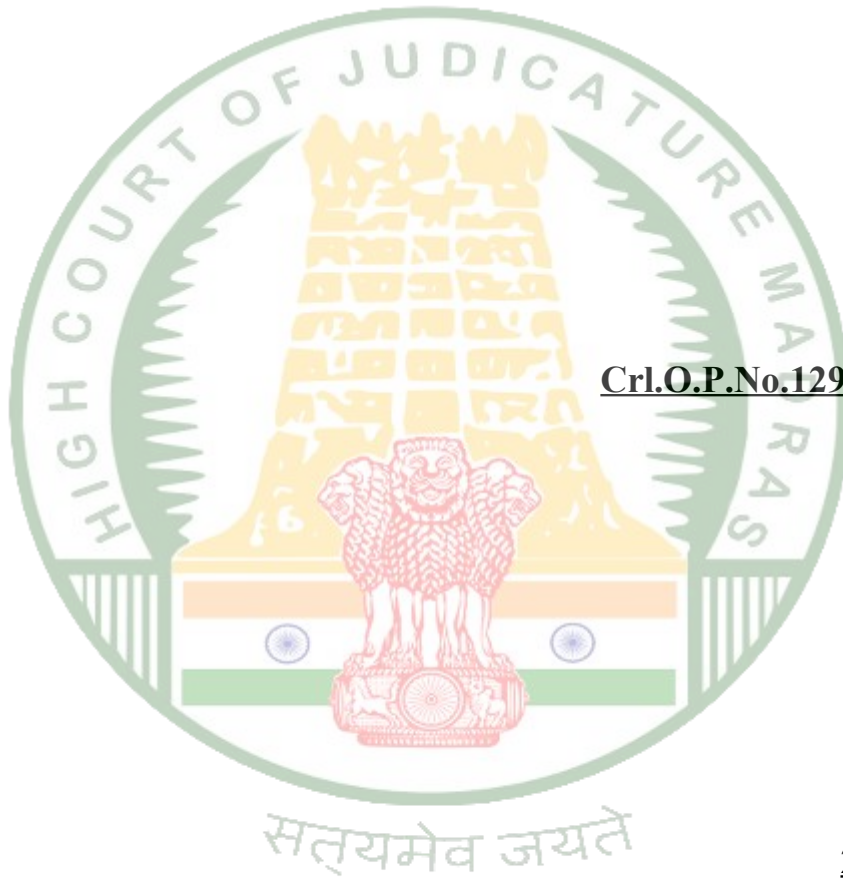
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M.DHANDAPANI,J.
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