

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.17367 of 2020

Parisalan @ Dineshkumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Cyber Crime Cell,
CBCID, Chennai District.
(Crime No.4 of 2020)

.... 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.4 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.Thangapandian

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 509 of I.P.C. and under Section 67 & 67A of Information Technology Act, 2000 in Crime No.4 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that earlier, in an association meeting, the defacto complainant said to have made some derogatory remarks against Tamilian community, for which, the petitioner has retaliated and he has made some remarks against the defacto complainant's community. Hence, the present complaint has been filed.

3. 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.

4. Taking into consideration of the fact that the petitioner said to have retaliated for the derogatory remarks made by the defacto complainant in an association meeting, 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 Metropolitan Magistrate, CCB CBCID Cases, Egmore, Chennai**, 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 as and when required for interrogation;

[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 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.

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

-sd/-

11/01/2021

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 METROPOLITAN MAGISTRATE,
CCB CBCID CASES, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CYBER CRIME CELL,
CBCID,
CHENNAI DISTRICT.

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

CRL OP.17367/2020

Date :11/01/2021

TA-01/02/2021



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