

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19487 of 2020

Chennai Sellappa @

Chennai Sellappa Hajamaideen

... Petitioner

-Vs-

The State

Rep by Inspector of Police,
Peralam Police Station,
Tiruvarur.

(Crime No.2407 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.2407 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.E.Raj thilakh

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 352, 506(ii) of IPC and Section 67 of Information Technology Act, Crime Nos.2407 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with his friends had made defamatory statements and uploaded the same in the social media against the political leaders. Further, the petitioner along with his friends had abused and threatened the defacto complainant. Based on the complaint given by the affected person, the case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner has no intention to defame any person, and did not make defamatory statement against any leader. Now he has filed an affidavit of undertaking that he will not make any such comments against any persons in future. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and his friends had made defamatory statements and uploaded the same in the social media against the political leaders. He would further submit that the petitioner is a habitual offender. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the undertaking of affidavit filed by him stating that he will not make any such defamatory statements against any persons in future, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif Cum Judicial Magistrate Court, Nannilam, 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., until further orders. The petitioner should not make any such defamatory statements and upload the same in the social media in future.

[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.

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

-sd/-
23/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR.

+1 CC to M/S.E.RAJ THILAK Advocate on payment of necessary charges SR.No.2339

CRL OP.19487/2020

Date :23/02/2021

cs 03/03/2021