



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1382 of 2022

Haribabu

...Petitioner

Vs.

State represented by:
The Inspector of Police,
T-6 Avadi P.S,
Chennai-600055.
(Crime No.2108 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to release the petitioner/accused person on bail in Crime No.2108 of 2021 pending on the file of the Respondent Police.

For Petitioner : Mr.N.Suriyamuthu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

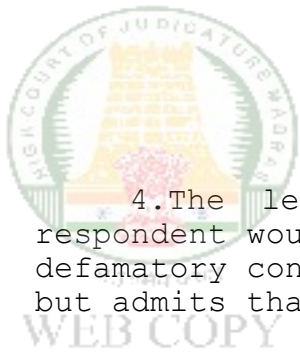
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 20.12.2021 for the offence under Sections 294(b), 501, 506(1) of I.P.C & 66 I.T. Act, in Crime No.2108 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.12.2021, the accused persons have circulated defamatory contents against the defacto complainant on social networking sites viz., Face book and Whats app. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has filed an undertaking affidavit stating that he will defame anyone including the defacto complainant in future and submitted that the petitioner has been suffering incarceration for more than 35 days from 20.12.2021. Hence, he would pray for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that the petitioner circulated defamatory contents against the defacto complainant in the social media but admits that there is no previous case against the petitioner.

5.In view of the undertaking affidavit filed by the petitioner and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions. The affidavit filed by the petitioner dated 21.01.2022 shall form part and parcel of this order;

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.II, Poonamallee, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30a.m., until further orders. The petitioner shall not have any communication with the defacto complainant till the disposal of the case.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

25/01/2022

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 NO.II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
T-6, AVADI P.S,
CHENNAI-600 055.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.N.SURIYAMUTHU Advocate on payment of necessary charges SR.NO.1117

CRL OP.1382/2022

Date :25/01/2022

INBA~27/01/2022