



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8970 of 2022

KARUNAKARAN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CENTRAL CRIEM BRANCH,
(CYBER CRIME)
VEPERY, CHENNAI - 600 007

[RESPONDENT]

For Petitioner : M/S. R.C.PAUL KANAGARAJ Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 153 and 505(1)(b) and Section 66D of IT Act 2008 in Crime No.17 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein apprehend arrest by the respondent police, in view of the complaint against him for forwarding objectionable message through tweet.

3. The learned counsel for the petitioner would submit that the petitioner is not the author of the message without verifying the veracity of the message he has forwarded to his tweeter account and submits that after knowing that the message is not correct, he has deleted the message.

4. However, the learned Government Advocate (CrI. Side) would submit that the objectionable tweet emanated from the account of the petitioner, even though he has deleted the tweet, subsequently he has not made known to his followers that the tweet contains no truth.



5. In the said circumstances, this Court with the view that while granting anticipatory bail to this petitioner, the petitioner shall expressly issue withdrawal message to his followers that the tweet forwarded by him on 19.01.2022 regarding Pongal Hamper to the general public distributed through PDS was done without verifying its veracity.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned III Metropolitan Magistrate at George Town, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) the petitioner and 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;

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

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;

(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 has 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]; and;



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

-sd/-

22/04/2022

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 III METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CENTRAL CRIEM BRANCH,
(CYBER CRIME) VEPERY,
CHENNAI - 600 007

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.C. PAUL KANAGARAJ Advocate on payment of necessary charges sr.6119

CRL OP.8970/2022

Date :22/04/2022

RVR 28/04/2022