



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12736 of 2022

SENTHILKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY THE
THE INSPECTOR OF POLICE
ARNI POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CR.NO.350 OF 2022)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.R.NARESH Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 153, 294 (b) and 67 of I.T. Act, in Crime.No.350 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner had posted defamatory whatsapp status against the Hon'ble Chief Minister of Tamil Nadu. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner had realized his mistake and immediately it was deleted from the social media within a day. He further submitted that the petitioner also filed affidavit before this Court and it reads as follows:

"I humbly submit that the respondent police registered an FIR in Crime No.350 of 2022, based on the complaint given by one Ravi S/o.Viswanathan, who is member of D.M.K. party. I state that the said defamatory status has not been created by me to humiliate the Hon'ble Chief Minister of Tamil Nadu. I am having great reverence on him.



However the said post has been received to my whatsapp from some other person to share some other post to my facebook the said defamatory status has been shared into my facebook account I have no intention to insult the governance of the Hon'ble Chief Minister of Tamil Nadu. Therefore, I tender an unconditional apologies for sharing the said post without prejudice."

Therefore, learned counsel for the petitioner prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner intentionally posted message in the whatsapp status thereby, insulting the Hon'ble Chief Minister of Tamil Nadu. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also undertaking affidavit filed by the petitioner that he tender an unconditional apologies and also he will not indulge in same kind of illegalities in future. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate, Arni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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, the petition for anticipatory bail shall stand dismissed 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 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 morning at 10.30 a.m. and evening at 5.00 p.m for a period of two weeks and thereafter as and when required.

[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.

-sd/-

15/06/2022

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,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ARNI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.NARESH Advocate on payment of necessary charges
SR.No.9112

CRL OP.12736/2022

Date :15/06/2022

CSK 17/06/2022