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Crl.OP.No.21828 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21828 of 2022

Ranjith Kumar

... Petitioner

Vs.

The State represented by,
S.H.O.,
Sirupakkam Police Station,
Cuddalore District.
(Crime No.148/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.148
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Jaya Suriya

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 14.08.2022 for the offences punishable under Section 2 of the
Prevention of Insult to National Honour Act, 1971 and Section 505(1)(b) of
IPC, in Crime No.148 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner has posted the materials in the social media dishonouring the National Flag. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he had only forwarded the message by mistake and thereby, he has been arrested by the respondent Police. He would also submit that the respondent Police did not follow the procedures contemplated under Section 41-A of Cr.P.C. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has posted the images in social media dishonouring the National Flag. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Virudhachalam, Cuddalore District**, and on further conditions that:

[a] 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 at 10.30 a.m. for a period of two weeks and thereafter, as and when required;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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1. The Judicial Magistrate No.I,
Virudhachalam,
Cuddalore District.
2. The S.H.O.,
Sirupakkam Police Station,
Cuddalore District. .
3. The Sub Jail,
Virudhachallam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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