



Crl.O.P.Nos.25573 & 26217 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner in Crl.O.P.No.25573 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153, 294(b) and 506(i) of IPC in Crime No.127 of 2022, seeks anticipatory bail.

The petitioner in Crl.O.P.No.26217 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(i) of IPC in Crime No.126 of 2022, seeks anticipatory bail.

2(i).The case of the prosecution in Crl.O.P.No.25573 of 2022 as per the defacto complainant Kanthan who is the Co-Ordinator of DMK Information Technology Team, Chidambaram Assembly Constituency is that the accused had uploaded derogatory and defamatory statements against the Hon'ble Chief Minister in Social Media and on 20.07.2022, when the defacto complainant had questioned her, the petitioner has



abused him and threatened him that she would commit suicide and implicated him in this case. Hence the complaint.

2(ii). The case of the prosecution in Crl.O.P.No.26217 of 2022 as per the defacto complainant Sheelarani is that the accused who is a neighbour had frequently abused her in filthy language and while so, on 20.07.2022 at about 11 a.m., she has gone out to shop, at that time, the accused had waylaid her, abused her in filthy language, assaulted and kicked her, due to which, she fell down and the petitioner also threatened to kill her through stone. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a social activist and also a media person. She would submit that she is interested in good Governance and better administration. She would submit that she had earlier sent a complaint against the illegal activities of the local ruling party functionaries in her village and enraged by the same, a false complaint has been given against her. She would submit that the defacto complainant has alleged that the petitioner has



uploaded certain derogatory materials against the Hon'ble Chief Minister.

She would submit that the petitioner has no intention to dishonor and defame the Hon'ble Chief Minister and the message was uploaded only to bring the notice of the Hon'ble Chief Minister about the illegal activities of the local ruling party functionaries and that enraged by the same, the local parties have given a complaint. She would submit that subsequently, another complaint in Crime No.127 of 2022 has also been preferred against the petitioner through her neighbour, who belongs to the opposite party. She would submit that today the petitioner has filed an affidavit of undertaking stating that she will not indulge any such kind of activities in future and she also expressed her apology for uploading such a message. Hence, she prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the accused had uploaded derogatory and defamatory statements against the Hon'ble Chief Minister in Social Media and on 20.07.2022, when the defacto complainant



Kanthan had questioned her, the petitioner has abused him and threatened that she would commit suicide, for which, a case in Crime No.127 of 2022 has been registered against her. He would further submit that the accused who is a neighbour to the defacto complainant Sheelarani had frequently abused her in filthy language and while so, on 20.07.2022 at about 11 a.m., she has gone out to shop, at that time the accused had waylaid her, abused her in filthy language, assaulted and kicked her, due to which, she fell down and also threatened to kill her through stone, for which, a case in Crime No.126 of 2022 has been registered against her. He would also submit that the petitioner is habitually engaging in this kind of activities and thereby, he opposed for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that both the cases were registered during the same period and other than these two cases, the petitioner is not having any other case pending against her.



WEB COPY 6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the affidavit of undertaking filed by the learned counsel for the petitioner.

7. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner in both cases with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in both cases in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Chidambaram, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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, 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 every day at 10.30 am, for a period of two weeks and thereafter, every Saturday at 10.30 am., until further orders.

[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]**.



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

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