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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.25905 of 2021

Ravi Shankar

...Petitioner

Vs.

The Inspector of Police,
C-1, Kattoor Police Station,
Coimbatore, Tamil Nadu.
(Crime No.577 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police on charges arising out of the complaint in Crime No.577 of 2021 on the file of the Inspector of police.

For Petitioner : Mr.K.Arvind

For Respondent : Mr.A.Gokula Krishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 509 of IPC and Section 4 of TNPWH Act in Crime No.577 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had forwarded unwanted message about the defacto complainant and her political party through internet domain. Hence, the complaint.

3. The learned counsel for the petitioner submits that all the messages which have been communicated during the election time and it cannot be termed as an unwanted message and is only made during election propaganda and not intentionally made. He further submits that the petitioner also an ardent grassroot level worker of BJP for decades and he has accompanied and canvassed with this sitting MLA ever since her 2021 pre-election canvassing periods in her constituency in Coimbatore. He has used his mobile phone exclusively



for voice calls for pre and post election period. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions submits that there are two accused involved in this case and the petitioner herein arrayed as A2. The defacto complainant is the Sitting MLA and this petitioner along with another have posted some unwanted messages about her and her party through internet domain. He further submits the aforesaid mobile was seized by the respondent police. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the submissions made by both counsel and also considering the age of the petitioner and his age old ailments as well as the affidavit of undertaking, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate-I, Coimbatore District** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Court concerned 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 as and when required for interrogation ;**

(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]**; and;



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

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-sd/-
21/01/2022

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.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
C-1, KOTTOOR POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.ARVIND Advocate on payment of necessary charges

CRL OP.25905/2021

Date :21/01/2022

TA-11/02/2022