



Crl.O.P.No.5266 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 506(i) of IPC and 67(a) of IT Act, in Crime No.12 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are working in the media and there is an internal dispute between them. The petitioner in order to defame the name of the defacto complainant, posted messages against the defacto complainant in social media. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner's name does not find a place in the FIR. After investigation, the petitioner has been arrayed as A4 and absconding charge sheet has been filed



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before the learned Judicial Magistrate – I, Poonamallee. He would further submit that the investigation has been completed and there may not be any requirement of custodial interrogation of the petitioner. He would further submit the other accused have earlier obtained an anticipatory bail before this Court in Crl.O.P.No.12921 of 2021 dated 29.07.2021 and therefore he seeks to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is arrayed as A4 in this case and he was not arrested during Trial. The petitioner was shown as absconding accused in the charge sheet and the charge sheet has been filed before the learned Judicial Magistrate – I, Poonamallee, and it is to be taken up on file. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate – I, Poonamallee**, on condition that the petitioner shall execute a separate 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 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 his Aadhar card or Bank pass Book to ensure their identity.



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**[b] the petitioner shall report before the learned Judicial Magistrate – I, Poonamallee on all working days at 10.30 a.m., 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]**.

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

**13.03.2023**

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