



CrI.O.P.No.6743 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Section 469 of IPC and Section 67 of Information Technology Act, 2000 in Crime No.46 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Anitha Manokar, Who is the Director, National Institute of Fashion Technology, Taramani Chennai is that the accused, who is a student and suspended for malpractices in availing scholarship in the campus, had circulated vulgar e-mails against the Director, Joint Director and 39 faculty members of NIFT, Chennai by hacking all e-mail I.Ds and creating lot of mischiefs. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the complaint, the defacto



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complainant has only suspected the petitioner to have involved in the mischief. He would further submit that the petitioner was called for enquiry and he had appeared for enquiry and during enquiry, he handed over his personal computer and mobile phone to the respondent Police. He would submit that the petitioner is a differently abled person and one of his leg has been amputated. He also submitted the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is also ready to furnish adequate security for his release on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner has circulated abusive and vulgar e-mails against the Director, Joint Director and other female faculty members of NIFT, Chennai. He would further submit that subsequent to the registration of the case, the petitioner had also sent an another abusive e-mail on 10.03.2023 in a similar manner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the



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personal computer of the petitioner has been seized by the respondent Police on 07.03.2023 and the petitioner has not send any e-mail. He would further submit that the petitioner is also ready to file an affidavit of undertaking before the learned Magistrate at the time of surrender stating that he will not send any messages herein after. Hence, he prayed for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

7.Taking into consideration the facts and circumstances of the case and the submissions made by either side and also considering that the personal computer of the petitioner has been seized by the respondent Police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8.Accordingly, the petitioner is ordered to be released on bail in the



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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 Metropolitan Magistrate No.XVIII, Saidapet on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties (out of which, one should be either mother or father of the petitioner, who should produce document to show his/her means) 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 file an affidavit of undertaking before the learned Magistrate at the time of surrender stating that he will not forward any abusive message herein after.

[c] the petitioner shall report before the



respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[f] 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]**;

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

11.04.2023

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