



Crl.O.P.No.6770 of 2023

Crl.O.P.No.6770 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 74 of Information Technology Act, 2000 and Section 504 and 505(2) of IPC, in Crime No.318 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Balu is that the petitioner had posted abused and defamatory materials against the sitting M.P in facebook. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he being a voter in the parliamentary constituency and aggrieved by the activity of the sitting M.P, had posted political comments in social media and other than expressing his political view, the petitioner has not posted anything abusive or obscene against the MP. He would further submit that the defacto complainant who is a third party, and not an aggrieved person, has given the complaint.



Crl.O.P.No.6770 of 2023

Hence, he prays for the grant of anticipatory bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the voter of the parliamentary constituency. He would further submit that petitioner had shared abusive materials against the sitting M.P in facebook. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

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 petitioners with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the 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 Judicial Magistrate, Thiruthuraipoondi**, on condition that the



Crl.O.P.No.6770 of 2023

petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter 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.



Crl.O.P.No.6770 of 2023

[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.

31.03.2023

jas



WEB COPY



Crl.O.P.No.6770 of 2023

A.D.JAGADISH CHANDIRA, J.

jas

Crl.O.P.No.6770 of 2023

31.03.2023