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Crl.O.P.No.15583 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15583 of 2023

Amith Gururaj

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
F-2, Egmore Police Station,
Chennai – 600 008.
Crime No.268 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. pleaded to enlarge the petitioner on bail in the above Crime No.268 of 2023 on the file of the Inspector of Police,F-2, Egmore Police Station, Chennai.

For Petitioner : Mr.S.Karthikeyan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2023 for the offences punishable under Sections 500 and 509 IPC and Sections 66, 66E, 67 and 67A Information Technology Act, 2000 in Crime No.268 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.268 of 2023 for the offences under Sections 500 and 509 IPC and Sections 66, 66E, 67 and 67A Information Technology Act, 2000. He further submitted that, petitioner is innocent and he was arrested without issuing a notice under Section 41A of Cr.P.C and without conducting proper enquiry. Petitioner is in judicial custody from 18.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioner posted a post in his facebook ID making some scandalous allegations against the defacto



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complainant's mother and sister. The investigation in this case is pending.

There is no previous case pending against the petitioner. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the allegations made against the petitioner and that petitioner is in judicial custody from 18.06.2023 and also the fact that, the evidence required in this case is available in facebook ID of the petitioner in public domain, and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing 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 learned **XIV Metropolitan Magistrate, Egmore, Chennai** and on further conditions that :-

[a] 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.



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[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

17.07.2023

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To

- 1.The XIV Metropolitan Magistrate, Egmore, Chennai
- 2.The Central Prison,
Puzhal.
- 3.The Inspector of Police,
F-2, Egmore Police Station,
Chennai – 600 008.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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