



Crl.O.P.No.25775 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.25775 of 2023

Selvakumar S/o. Murugavel

... Petitioner/ Accused

Vs.

The State rep by
The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.

(Crime No.396 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail in Crime No.396 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in Crime No.396 of 2023, registered by the respondent police for the offences punishable under Sections 153, 504, 505(1)(b) of IPC and Section 67 of Information Technology Act, 2000. The petitioner had been taken custody on 08.10.2023.

2.The case of the prosecution is that the petitioner, had affinity to make various comments in Facebook/Twitter accounts and of all persons. He had unfortunately stated objections against the Chief Minister and had put out offending messages.

3.The learned Government Advocate (Crl. Side) for the respondent stated that there must be some apology expressed by the petitioner herein. Apology should be expressed from the heart and merely asking the petitioner to put another post, would only led to further issues. Let me leave that to the conscience of the petitioner herein.



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4.Taking into consideration the period of incarceration and the fact that the prosecution will now establish the case against the petitioner during the course of trial and at that point, the petitioner has to be given an opportunity to defend himself, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate Court No.I, Pollachi, 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required to interrogation.

[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.



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[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.

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To

- 1.The Judicial Magistrate Court No.I, Pollachi.
- 2.The Central Prison, Coimbatore.
- 3.The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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