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Crl.O.P.No.26302 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

Crl.O.P.No.26302 of 2023

P.Arunkumar

... Petitioner/ accused

Vs.

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

(Crime No.389 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.389 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.I.S.Inbadurai

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



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ORDER

The petitioner seeks bail in Crime No.389 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. The petitioner had been taken into custody on 05.10.2023.

2.It is stated that the petitioner, for reasons best known to him and may be well advised, had taken to the social media to post derogatory comments about the Chief Minister of this State in Instagram. The petitioner should realize that he should exercise caution and should be more responsible in these issues.

3.On the side of the respondent, it is stated that the petitioner should express an apology but I have my own reservations since the petitioner would do it as eye wash and he must realize it from his heart that he should not commit such offences. It is hoped that the period of incarceration would have sufficiently reformed him that he must be more respectable to every human being and only then, he would be having



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respect for his own wife, for his own children and for his own parents. If he does not respect any other person then it would also mean that he does not respect his parents, his wife and his children.

4.At any rate, taking into consideration that this is the 2nd application seeking bail and the period of incarceration of the petitioner herein, 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 -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., until further orders.

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



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[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.

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To

- 1.The Judicial Magistrate-I, Pollachi.
- 2.The Central Prison, Coimbatore.
- 3.The Inspector of Police,
Pollachi East Police Station,
Pollachi.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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