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Crl.O.P.No.28697 of 2023

6 IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.OP.No.28697 of 2023

G.P.Sureshkumar

...Petitioner

Vs.

State rep by The Inspector of Police,
Thirumanur Police Station,
Thirumanur, Ariyalur District.
(Crime No.246 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.246 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.C.Paulkanagaraj
for V.Vanangamudi
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.11.2023 for the offences registered under Sections 124(A), 469, 500, 505, 501, 505(1)(5) of IPC and Sections 66(A)(a), 66(AB), 66C, 66E of Information Technology Act, in Crime No.246 of 2023, seeks bail.



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2.It is the case of the prosecution that the petitioner herein had forwarded in the Facebook objectionable photographs of the Chief Minister, other Cabinet Ministers, Members of Parliament and leaders of other Parties.

3.Earlier application seeking bail was dismissed on 29.11.2023 in Crl.O.P.No.27028 of 2023. At that time, it was observed that this petitioner had uploaded objectionable posts. It is now however insisted by the learned counsel for the petitioner that, that was a wrong observation and the petitioner had only forwarded the said posts.

4.However, taking into consideration the period of incarceration and other surrounding factors, this Court is 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 fresh sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Ariyalur**, and on further conditions that:



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[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 daily at 10.00 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.

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C.V.KARTHIKEYAN, J.

sli

To

1. The Judicial Magistrate No.II, Ariyalur.
- 2.The Inspector of Police,
Thirumanur Police Station,
Thirumanur, Ariyalur District.
(Crime No.246 of 2023)
- 3.Central Prison, Trichy.
- 4.The Public Prosecutor, Madras High Court.

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