



Crl.O.P.No.11588 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 153, 505(1)(b) of IPC and Section 64 of Information Technology Act, 2008 @ into Sections 465, 468, 469 r/w 420 of IPC, 1860 and Sections 66 C and 67 of Information Technology (Amendment) Act, 2008 seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated as if he, along with other accused persons morphed the photographs of the award function of the Tamil Nadu Government with obscene image and uploaded in the social media. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that on 27.02.2024, the defacto complainant, PC 52148, Intelligence Section, Vepery came across the post on the platform @



CrI.O.P.No.11588 of 2024

The Squind, in which, he found the altered and fabricated photograph was circulated on social media for public view with malafide intention of causing harm to the Minister of Sports and Mohammed Zubair. He further submitted that during investigation, it was revealed that the photos were uploaded with the help of mobile numbers 720465703 and 8210151467, which belong to the petitioner along with his brother/A2. He further submitted that the photos were shared on social media with the malicious intention of harming the reputation of the people representative of Chepauk Triplicane Assembly Constituency and Thanthai Periyar. He further submitted that the co-accused has been released on bail. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

4. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the co-accused has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned XI Metropolitan*



CrI.O.P.No.11588 of 2024

Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties (one surety, must be a blood related surety) 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 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 Court concerned 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 for monthly twice at 10.30 a.m., for a period of two months and co-operate for the investigation and trial proceedings, failing which, the anticipatory bail granted shall automatically cancelled;

(c) the petitioner shall file an undertaking affidavit that he will not indulge in any social activities in future;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



CrI.O.P.No.11588 of 2024

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[f] 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 has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

12.07.2024

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Crl.O.P.No.11588 of 2024

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Crl.O.P.No.11588 of 2024

12.07.2024