



Crl. O.P. No.20347 of 2024

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P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 75(2), 79, 296(b), 353(1)(b), 353(2), 351(3), 351(4) of B.N.S., Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000 in Cr. No.276 of 2024, on the file of the respondent seeks anticipatory bail.

2. The case of the prosecution is that on 05.08.2024 at about 19.15 hours, the respondent police received a complaint from the defacto complainant that on 04.08.2024 at the mid night about 2.22 a.m., he received a message from the mobile number 8928359667 with some unparliamentary words and after perusing those messages, he came to know that these messages were in reflection of his speech in “Kalaighnar’s Centenary” and this caused mental agony to the defacto complainant and therefore, the case.

3. The learned counsel appearing for the petitioner would contend that the respondent police have registered the false case against the petitioner for the alleged offences under Sections 75(2), 79, 296(b),



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353(1)(b), 353(2), 351(3), 351(4) of B.N.S., Section 4 of Tamil Nadu

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Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000 and the petitioner has not committed any offence as alleged in the FIR, which was registered on 05.08.2024 and on the next day, on 06.08.2024, the respondent police landed in the house of the petitioner in Mumbai and informed that the defacto complainant has given a complaint against the petitioner by stating that he has sent some messages in abusive language and then only, the petitioner came to know that about the alleged incident and the petitioner is no way connected with the commission of the offences and he has no knowledge about the occurrence and hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would submit that the petitioner, on 04.08.2024 in the midnight at 2.22 a.m., sent a message to the defacto complainant with some unparliamentary words and thereafter he came to know that these messages were in reflection of his speech in “Kalaingar’s Centenary” and therefore, he gave a complaint and based on the complaint, the respondent police have registered the case and now the case is at initial stage and the offences charged are also grave in nature and therefore, opposed to grant



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anticipatory bail to the petitioners.

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5. Heard both sides and perused the materials available on record.

6. Considering the representations putforth on either side, considering the fact that there is no previous case against the petitioner and considering the nature of allegations made against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Additional Mahila Court, Alandur** on condition that the petitioner shall 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



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the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond 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 269 B.N.S.2023.

03.09.2024

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P.DHANABAL,J

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To

1. The Additional Mahila Court, Alandur.



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2. The Inspector of Police, Thuraipakkam Police Station, Adyar, Chennai.

3. The Public Prosecutor, High Court, Madras.

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