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Crl.O.P.No.26317 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.315 of 2023 registered by the respondent Police for the offences punishable under Sections 504 & 505(ii) of IPC r/w 67 of Information Technology Act, 2000.

2. It is stated that the defacto complainant had stated that the petitioner herein had put up a post in his face book about to the Hon'ble Chief Minister and the Hon'ble Health Minister. The earlier anticipatory bail application in Crl.O.P.No.24025 of 2023 had been dismissed on 19.10.2023. Even at the time it had been observed that the nature of the posts in the face book are unbecoming of any person much less the petitioner herein.

3. Taking all those factors into consideration and the date of registration of FIR, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions, however, directing the petitioner to file an affidavit undertaking not to ever post any matter relating to anybody in the Ministry or of the State Government and apologize in clear terms for the



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posts already put up. Such affidavit must be filed before the jurisdictional Magistrate.

4. 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 **Judicial Magistrate, Mettupalaiyam**, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 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.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 petitioners 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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