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Crl.O.P.No.28228 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28228 of 2024

L.Lingeswaran

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Erode District.

(Crime No.50 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.50 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Manoharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.10.2024, seeking bail in Crime No.50 of 2024 registered for the offence under Section 67B of Information Technology Act, 2000.



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2. The case of the prosecution is that based on a secret information that the petitioner is downloading child sexual abuse materials from internet and sold the same through social media, the respondent conducted search and found the petitioner in committing such offence. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that no previous case is pending against the petitioner. He also submitted that the petitioner is aged about 23 years and that the mobile phone and other electronic records have been seized. He further submitted that the petitioner has been in custody from 01.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner has committed the offence of downloading child sexual abuse materials from internet and sold the same through social media. He further submitted that there is no previous case against the petitioner and the mobile phone and other electronic records have been seized.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (one of the surety shall be either the father or the mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Erode**, 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 appear before the respondent police daily at 6.30 p.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;



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[d] the petitioner shall not tamper with evidence or witness during 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.

12.11.2024

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To

1. The Judicial Magistrate No.III, Erode.
- 2.The Inspector of Police,
Cyber Crime Police Station,
Erode District.
3. Sub Jail, Gobichettipalayam.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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