



Crl.O.P.No.28670 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 504 and 505(i) (b) of Indian Penal Code r/w Section 67 of Information Technology Act in Crime No. 319 of 2023, seeks anticipatory bail.

2. The petitioner is a member of Arignar Anna Handloom Merchant Association, Pollachi. The FIR had been registered on the allegation that on 26.10.2023 a General Body meeting had been held in the Association and there was a resolution to enroll additional members. This particular resolution was challenged before the High Court in W.P.No.33249 of 2023 and when the matter came up for hearing on 21.11.2023 it was adjourned to 12.12.2023. It was complained that the petitioner herein had posted a message in the social media about the nature of the order passed. Subsequently a letter had been forwarded by the petitioner herein to the respondent, wherein, he had realised the mistake committed and he had stated that he had not done the same intentionally to hurt any body.



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3. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Pollachi**, 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 this Court 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 appear before the respondent police daily at 10.30 a.m., until further orders.

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



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[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 229A IPC.

04.01.2024

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