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CrI.O.P.No.28729 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 Section 153A, 505(1)(b) of IPC and Section 67 of Information Technology Act, 2008 in Crime No.534 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that a complaint had been received about the YouTube channel called IND Tamil 24x7, wherein, apparently this petitioner had put up a video which according to the respondent was quite objectionable and the defacto complainant also found it to be objectionable.

3.Let me not enter into a discussion about the contents since that would be an issue during the course of trial. But however, the petitioner has filed an affidavit, wherein she had stated as follows:



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“I further stated that a complaint was given and a case was registered against me for the averment uttered by me as a defaming comments against the CM. I apologies before the Hon'ble High Court for the alleged defaming comments which is neither willful nor wanton and further it is not an intentional comments and it were replies for the questions put to me by the youtube channel. I have expressed only my anguish.

I further stated that without prejudice I tender my apologies before the Hon'ble High Court for the alleged derogative statement made by me against the CM unintentionally.”

4.A counter affidavit had been filed on behalf of the respondent, wherein it had been stated that during the course of investigation, the respondent had examined the defacto complainant and other witnesses and recorded the statements. Naturally, the investigation has proceeded to some substantial extent.



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5.Taking that fact into consideration and also the affidavit which has been filed, this Court is inclined to grant anticipatory bail to the petitioner. However, the petitioner is directed to file the same affidavit before the learned Judicial Magistrate - II, Nagapattinam at the time of executing the sureties.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate – II, Nagapattinam, 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 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:



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[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 weekly once i.e., on every Monday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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.

01.02.2024

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