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Crl.O.P.No.31586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31586 of 2024

Ashok Srinithi
S/o.Palanisamy, No.159, 8th Street, Ganapathypudur,
Coimbatore District.

Petitioner(s)

Vs

State By Inspector Of Police,
Race Course Police Station, Combatore City,
Coimbatore District. (crime No.584 Of 2024)

Respondent(s)

For Petitioner(s):

Elavarasan M R
K.Balu
V.Sivaraman
K.Sruthi
V.Tamilnilavu

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 132, 126(2), 324(3) and 351(2) of BNS in Crime No.584 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the defacto complainant is working as a Sub-Inspector of Police in Cyber Crime Police Station, Coimbatore and while he was in duty, the petitioner enquired about the earlier complaint lodged by him against a person, who had abused and threatened the petitioner with dire consequences in a you-tube channel. It is stated that the petitioner had picked up a quarrel with the defacto complainant, stating that the person, against whom the petitioner herein had lodged a complaint was arrested and released on bail by the Judicial Magistrate, since the case was not properly investigated and further claims that the main accused, who is the owner of MYV3 ADS has not been arrested, based on his complaint. It is also stated that the petitioner had involved in tearing some of the case papers in the table of the defacto complainant, abused her using filthy language and restrained her from doing her lawful duty and threatened her with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner herein lodged several complaints against one Mohammed Ibrahim and other persons, belong to the MYV3 ADS, who have



continuously harassing and abusing the petitioner herein in social media, however, no proper enquiry was made with regard to his complaint, thereby a false complaint has been lodged against the petitioner. He would further submit that the petitioner is ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner had abused the defacto complainant, who is Sub-Inspector of Police in Cyber Crime Police Station, Coimbatore and further obstructed her from doing her lawful duty and threatened her with dire consequences, on account of investigation with respect to his earlier complaint. He also submitted that the petitioner has also involved in tearing of case papers in the table of the defacto complainant and further, the petitioner has one previous case.

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



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6. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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.III, Coimbatore** on condition that the petitioners 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.



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[b] the petitioner shall report before the III Judicial Magistrate Court, Coimbatore at 10:30 a.m. on all working days, for a period of two weeks and thereafter, first working day of every month, until further orders.

[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 petitioners 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 269 of B.N.S.

18.12.2024

stn

A.D. JAGADISH CHANDIRA, J.



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To

1. State By Inspector Of Police,
Race Course Police Station,
Combatore City,
Coimbatore District.
(crime No.584 Of 2024)

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