



CRL OP(MD). No.15426 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15426 of 2024

Mohammed Sathik

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Cyber Crime Police Station,
Theni, Theni District.
(Cr.No.15 of 2024)

... Respondent/Complainant

For Petitioner : M/s.Titus.S, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For Bail in Crime no.15 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 22.06.2024 for the offences punishable under Sections 153A, 295A, and 505(ii) IPC in crime No. 15 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein had posted some



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defamatory matters in the Face Book. Hence, the case.

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3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations against the petitioner that he made a post appealing to the Hindus to give birth to more children and considering the argument of the learned counsel for the petitioner that he will file an affidavit of undertaking before the trial Court that he will surrender the smart phone and hereafter, use only the button phone for him and that he will come out of the social media account by permanently logging out and deleting his account, I am inclined to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 learned Judicial Magistrate, Theni.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) As per the undertaking, the petitioner shall file an affidavit of undertaking



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to the effect that the petitioner will surrender the smart phone and hereafter, he will use only an ordinary phone and that he will come out of the social media accounts by permanently logging out and close his account.

(ii)the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)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].

(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/09/2024

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12/09/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO

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1 THE JUDICIAL MAGISTRATE, THENI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, THENI.

4 THE INSPECTOR OF POLICE, CYBER CRIME POLICE STATION,
THENI, THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.TITUS Advocate SR.No.51256[F] Dated 12/09/2024

ORDER

IN

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Date :12/09/2024

RS//SAR-(12.09.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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