



Crl.O.P.No.4920 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4920 of 2025

Thamizharasan

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
CCD-1 Police Station,
Chennai District.

(Crime No.164 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.164 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Prabhu

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.01.2025, seeking bail in Crime No.164 of 2024 registered for the offence under Sections 354A, 509 of IPC and Section 67 of IT(A) Act, 2008 r/w Section 4 of TNPHW (A) Act, 2002.

2.It is the case of the prosecution that the petitioner had posted obscene and morphed images and made derogatory comments about the family members of the Chief Minister of the State in social media. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is in custody from 23.01.2025; that he has two children, out of which, one child is a physically challenged and he has to take care of his children and that he would undertake without prejudice to his defence that he would not make such derogatory comments or post obscene pictures in social media in future.



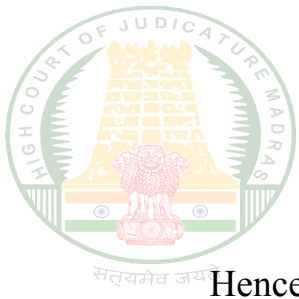
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner, who was earlier granted bail for the same offences, had violated the bail conditions and he is continuously committing such offences and further submitted that final report has already been filed.

5.The allegations against the petitioner would reveal that the petitioner had posted obscene and morphed images and made derogatory comments about the family members of the Chief Minister of the State in social media, which is certainly not in good taste. The learned counsel undertakes to file an affidavit of the petitioner before the Trial Court without prejudice his defence that he would not indulge in such offences by uploading images or posting derogatory comments in social media. It is also seen that the final report has already been filed.

6.Considering the aforesaid facts, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation.



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Hence, 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**, each for a like sum to the satisfaction of the **XI Metropolitan Magistrate, Saidapet**, 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 report before the Trial Court on all hearing dates.

[c] the petitioner shall file an affidavit of undertaking before the Trial Court, without prejudice to his defence that he would not post such messages and that he would not indulge in such activities in future.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] 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];***

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

11.03.2025

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Copy to:

- 1.The Inspector of Police,
CCD-1 Police Station,
Chennai District.
- 2.The XI Metropolitan Magistrate, Saidapet.
- 3.Central Prison – II, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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