

Crl.O.P.No.9377 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 9377 of 2025

Sajith Hussain

Petitioner

Vs

The State Represented by,
The Sub Inspector of Police,
Gingee Police Station,
Villupuram.
(Cr.No.130 of 2025)

Respondent

For Petitioner: M/s.Nathan and Associates

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 296(b), 351(2) of BNS read with Section 67 of IT Act in Crime No.130 of 2025, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that on account of previous enmity, the petitioner had posted abusive messages against the defacto complainant and his family members and thus committed the aforesaid offence.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; in any case, the allegations do not attract the offences alleged; and that to show his bonafide, the petitioner had also filed an affidavit that he would not make any defamatory statements against the defacto complainant and his family members and sought for anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that that the petitioner has no bad antecedents.

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



6. The relevant portion of the affidavit filed by the petitioner reads as

follows:

6. Moreover, I assure this Hon'ble Court that I have no intention of making any defamatory statements against the defacto complainant or causing any hindrance to the course of the investigation. I fully respect the legal process and shall cooperate with the authorities to ensure a fair and just resolution of the matter. I am willing to abide by any reasonable conditions that this Hon'ble Court may impose to ensure the smooth conduct of the proceedings.

7. Without prejudice to the above submissions, I respectfully submit that any post or statement attributed to me is found to be allegedly defamatory as claimed by the defacto complainant, I submit that such content has been removed, and I have taken every precaution to prevent any such occurrence in the future. I am committed to upholding the dignity and decorum of the law and will ensure that no content from my end is perceived as defamatory or harmful to the defacto complainant or his family”.

The affidavit filed by the petitioner shall form part of the record.

6. Considering the aforesaid facts and the affidavit filed by the petitioner and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner



with certain conditions.

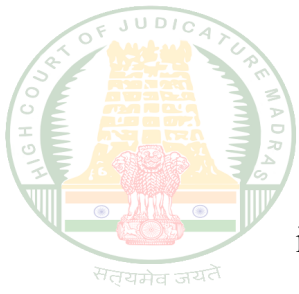
WEB COPY7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court, Gingee**, on condition that the petitioner shall execute 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:

[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 station once in a week, i.e., Saturday at 10.30 a.m., 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



WEB COPY



CrI.O.P.No.9377 of 2025

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 269 of B.N.S.

drl

08-04-2025

To

1. The Sub Inspector of Police,
Gingee Police Station,
Villupuram.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.9377 of 2025

SUNDER MOHAN J.

drl

CRL OP No. 9377 of 2025

08.04.2025