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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/05/2023

PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.8904 of 2023

Harshath Kumar ... Petitioner/Accused Rank Not Known

Vs

State rep., by  
The Inspector of Police,  
CCD -III, Tirunelveli City,  
Crime No.1 of 2023 ... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, Advocate

For Respondent : Mr.M.Sakthi Kumar  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 354 of IPC and Section 67 and 67A of the Information Technology (Amendment) Act, 2000, in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in a private firm. Marriage was fixed to her with one Maheswar. She has facebook account in the name of "Akshaya Rita Sen". On 25.08.2022, the defacto complainant has received an obscene audio message from a fake facebook account namely, "Emily Rita Sen". Further, on 03.09.2022, the user of Emily Rita Sen created a facebook group namely "Hardee" and added the defacto complainant and mother of her fiancé in that group and uploaded the morphing obscene photos of the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) would submit that from this petitioner's E.mail ID only obscene photos were sent to the defacto complainant and her family members. So that, the marriage proposal was also dropped. He assisted other two accused to send photos. Hence, a detailed enquiry is required in this case.

5.Considering the facts and circumstances of the case and also considering the gravity of the offence, detailed enquiry is required in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

17/05/2023

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23/05/2023

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

DAS

TO

- 1 THE INSPECTOR OF POLICE  
CCD-III, TIRUNELVELI CITY,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8904 of 2023

Date :17/05/2023

PKP/BUC/SAR- /23.05.2023/ **2P/3C**