



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.24359 of 2015

G. KALYANAMOORTHY @ JEGATHEESH

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
SOUTH THAMARAikulam POLICE STATION,
THROUGH
THE LEARNED PUBLIC PROSECUTOR,
NAGERCOIL.
CR NO.467/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/SV.KATHIRVELU SENIOR COUNSEL for
M/S. K.SATHIYA SINGH Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.11.2015, for the alleged offences punishable under Sections 66A, 66E, 67, 67A of the Information Technology Act, in Crime No.467 of 2015 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to some dispute with regard to dowry, both of them were living separately. (The petitioner misused the intimate photographs taken by him by circulating in E-mails to his friends and also forwarded to the defacto complainant).

3. The learned counsel for the petitioner submitted that the first bail application was dismissed and the petitioner is in judicial custody from 14.11.2015 and by this time, investigation might be over. He would further submit that the petitioner is innocent person and he was not using the E-mail for a long time and the defacto complainant knows the E-mail ID and password of the petitioner. Due to the dispute between them, the defacto complainant filed a petition for maintenance in M.C.No.5 of 2015 before the Judicial Magistrate NO.III, Nagercoil and she has filed a petition in D.V.O.P.No.1134 of 2014 before the very same Court against this petitioner and his family members and this Court granted anticipatory bail to the in-laws. Hence, he prays for grant of bail to the petitioner.

<https://mcservices.ecourts.gov.in/mcservices/>

4.The learned Government Advocate (Crl.side) submitted that the petitioner and the defacto complainant are husband and wife and the



petitioner has misused the intimate photographs of the defacto complainant taking by him by circulating the same to his friends and the defacto complainant and the investigation is pending. He would further submit that earlier application in Crl.O.P.(MD) No.22530 of 2015 was dismissed by this Court on 30.11.2015 and there is no change of circumstances in this case.

5.Taking note of seriousness of the offences charged against the petitioner and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
21/12/2015

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
SOUTH THAMARAikulam POLICE STATION,
THROUGH
THE LEARNED PUBLIC PROSECUTOR, NAGERCOIL.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.

+1. CC to M/S K.SATHIYA SINGH Advocate SR.No. 15505.

TS/21.12.2015/2P-5C/NGM-SS/SAR - II

ORDER
IN
CRL OP(MD) No.24359 of 2015
Date :21/12/2015