



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

Monday, the Sixteenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3705 of 2015

S.RAJENDRAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE

VIJAYANARAYANAM POLICE STATION,

TIRUNELVELI DISTRICT. CR. NO.9/2015. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SIVA THILAKAR Advocate (NO APPEARANCE)

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.9 of 2015, on the file of the respondent police for offences under Sections 354(A) and 509 IPC and Section 66A of Information Technology Act, the petitioner is now before this Court seeking Anticipatory Bail.

2. There is no representation on behalf of the petitioners, due to "Boycott of Court" pursuant to boycott called by Bar Council of India protesting the murder of an Advocate by police. Heard the learned Government Advocate (Crl.Side) appearing for the State. The respondent police is present.

3. On 02.03.2015, this Court, while granting interim anticipatory bail to the petitioner, passed the following order:

"3. This Court went through the FIR in this case. The FIR has been registered pursuant to a complaint lodged by one Pappa, who is the mother of Rebecca Angel, who is said to be studying M.Tech in Coimbatore. It is alleged by the de-facto complainant that this petitioner has sent SMS to the mobile phone of her daughter, which are not in good taste. Neither the complaint nor the case diary that was perused by this Court reflects the nature of message that was sent by this petitioner to Rebecca. According to the petitioner, the petitioner is in love with Rebecca and that he had not sent any obscene message. Strangely without even showing the content of the messages, the police have registered this case. The learned counsel for the petitioner also submitted copies of SMS allegedly sent by Rebecca to him, which on perusal merely shows that both have been good friends. It is also stated that the petitioner is a married person and that he is pursuing divorce proceedings against his wife, which is pending.



4. The learned Government Advocate, on instructions from the police, submits that the de-facto complainant has handed over the mobile phone to the police and that they will record the messages in a CD and submit to this Court. The police is directed give a print out of the messages to this Court for its perusal. "

4. Today, the respondent police produced the case diary and the SMS containing the messages. This Court perused the same and did not find any objectionable message.

5. The learned Government Advocate (Crl.Side), on instructions from the respondent police would submit that the mother of Rebecca Angel is not allowing the police to record the statement of Rebecca Angel for obvious reasons.

6. It appears that Rebecca Angel had fallen in love with the petitioner and she is willing to get married to him, after this petitioner legally divorces his first wife.

7. Under the facts and circumstances of the case, this Court is inclined to grant, Anticipatory Bail to the petitioner.

8. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri 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 and on further condition that:

[a] the petitioner shall report before the respondent police daily at 06.30p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

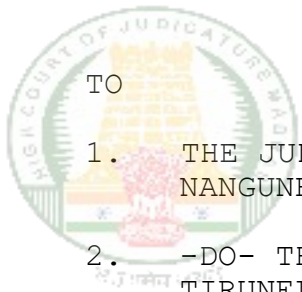
[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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].

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-
16/03/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVA THILAKAR Advocate SR.No. 12416

SR : 19.03.2015 : 3P/6C

ORDER
IN
CRL OP(MD) No.3705 of 2015
Date :16/03/2015