



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21416 of 2018

JITHIL RAJADURAI

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME.NO.256/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.R.SREENIVASAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 67 of the Information Technology Act and Section 292 A, 509 of IPC and Section 4 of Women Harassment Act, in Cr.No.256 of 2018, seeks anticipatory bail.

2.The petitioner is said to have created Face Book account in the name of one Raja and put scandalous statement about the defacto complainant and her family members which was brought to the notice to the defacto complainant by her sister's son one Ponraj. Hence, the complaint.

3.The petitioner submits that he has been falsely implicated in this case. Since the petitioner's family and the defacto complainant were in friendly terms, taking advantage of the friendly terms, the defacto complainant wanted to make him as her son-in-law, which was not liked by the petitioner's mother. Hence, there was a dispute arose between them. During that time, the said Ponraj snatched 4 ½ soverigns chain. Hence, the petitioner made a complaint before the respondent police and the same was registered in Crime No.27 of 2018. Taking vengeance, the Ponraj has created the face book account in the name of petitioner and present complaint has been registered against him.



4. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 Additional Sessions Cum Mahila Court, Nagercoil 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation

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

[d] the petitioner shall not abscond either during 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/12/2018

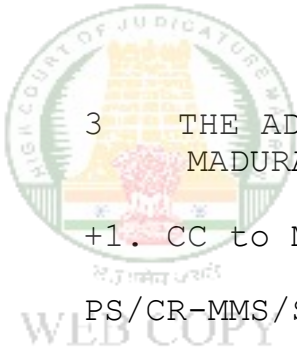
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL SESSIONS CUM MAHILA COURT,
NAGERCOIL.

2 THE INSPECTOR OF POLICE
ANJIGRAM POLICE STATION,
KANYAKUMARI DISTRICT.



3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.R.SREENIVASAN Advocate SR.No.23161

PS/CR-MMS/SAR-1/17.12.2018/3P/5C

ORDER

IN

CRL OP(MD) No.21416 of 2018

Date :11/12/2018