



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22618 of 2018

P.NALLASIVAM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
K.PARAMATHI POLICE STATION,
KARUR DISTRICT
(CRIME NO.155/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. M. NIVEDHITHA Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

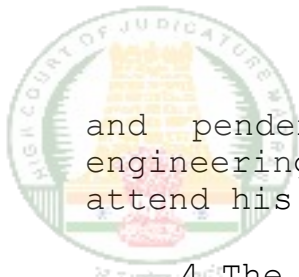
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 354(c) IPC, Section 4 of Women Harassment Act and Section 67 of Information Act in Crime No.155 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the *de facto* complainant are neighbours. It is seen that there is some family dispute pending between both of them. The petitioner had posted some wrong messages in the Facebook about the *de facto* complainant. On 01.08.2018, during the night hours, the *de facto* complainant received some calls and the callers were talking to her in an indecent manner. It was found that the petitioner had uploaded her picture in the Face book and also posted some wrong messages about her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner had lost his cell phone few days before the message was posted. He would further submit that the petitioner is an Engineering student and he has not committed any offence as alleged by the prosecution. Due to family dispute between both the families, the petitioner has been falsely implicated in this case



and pendency of this case, the petitioner could not pursue engineering in VSP Engineering College, Karur and also he did not attend his examination.

4. The learned Additional Public Prosecutor would submit that the investigation is pending.

5. Taking into consideration the facts of the case and the submissions made by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 No. II, Karur, 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 said Magistrate, on further condition that

[a] if the petitioner fails 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 every Saturday and Sunday for a period of three weeks at 10.30 a.m., and thereafter 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/-
21/12/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

3 THE INSPECTOR OF POLICE
K.PARAMATHI POLICE STATION,
KARUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S. M. NIVEDHITHA Advocate SR.No.23966

ORDER

IN

CRL OP (MD) No.22618 of 2018

Date :21/12/2018

MSI/VR/SAR-I/28.12.2018-3P/6C