WEB COPY

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

Thursday, the Twenty First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2713 of 2019

VASANTH ... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ODAIPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.16/2019 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.KARTHIK, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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 under Section 294(b), 506 (i), 354D I.P.C., and 67-A IT Act, in Cr.No.16 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant's relative fall in love with the petitioner and the same was opposed by the defacto complainant. The first accused uploaded the photo of the defacto complainant in the social media, due to which, the respondent registered a complaint against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner/A2 has not uploaded any photo in the social media. A1 has uploaded the photo and he was already arrested and released on bail

4.The learned Government Advocate (Criminal side) appearing for the State did not dispute the submission made by the learned counsel for the petitioner.

https://hcservices.ecourts.gov.in/hcservices/

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

WEB COPY

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, Uthamapalayam, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 petitioners 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];*** and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/02/2019

/ TRUE COPY /

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

TO
1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
   THENI DISTRICT.
3. THE INSPECTOR OF POLICE
   ODAIPATTI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No.3566

ORDER
IN
CRL OP(MD) No.2713 of 2019
Date :21/02/2019

https://hcservices.ecourts.gov.in/hcservices/

MS/VR/SAR-3/25.02.2019/2P.6C