



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.491 of 2019

GOPI @ MATHAVANNAMBIYAR

... PETITIONER / ACCUSED No. 1

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
OTTANCHATIRAM POLICE STATION,
OTTANCHATIRAM,
DINDIGUL DISTRICT.
(CRIME NO.545/2018)

... COMPLAINANT/ RESPONDENT

For Petitioner : MR.D.BALAMURUGAPANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. 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 offences punishable under Sections 294(b), 354 C, 506(i) I.P.C, in Crime No.545 of 2018, seeks anticipatory bail.

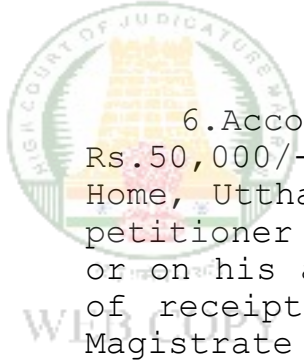
2.The case of the prosecution is that the petitioner and the defacto complainant had love affair and during that period they had taken some videos of personal in nature. Now, the petitioner threatened the defacto complainant stating that he will release the said video in the Internet. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner voluntarily ready to surrender the phone, which is said to have contain the said photos alleged to be committed the offence and further he will not abscond anywhere.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.

<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.



6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the Rojavanam Oldage Home, Utthangudi, Melur Main Road, Madurai and on such deposit 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 Ottanchatiram, Dindigul District, 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] the petitioner to given an undertaking in form of an affidavit that no video and pictures personal in nature is retained, shall be forwarded, published used against the defacto complainant in any manner which would injure, damage, defame her in any manner.

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

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

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

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

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
ODDANCHATHIRAM, DINDIGUL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
OTTANCHATIRAM POLICE STATION,
OTTANCHATIRAM, DINDIGUL DISTRICT.



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

COPY TO:- THE OFFICER IN-CHARGE,
ROJAVANAM OLDAGE HOME,
UTTHANGUDI, MELUR MAIN ROAD,
MADURAI

WEB COPY

+1. CC to MR.D.BALAMURUGAPANDI Advocate SR.No.2184

ORDER
IN
CRL OP(MD) No.491 of 2019
Date :01/02/2019

MSI/PN/SAR-I/11.02.2019-3P/7C