



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10227 of 2019

R.Ashick Rahuman

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(In Crime No.1 of 2019)

... Respondent/Complainant

For Petitioner : M/s.S.Muthalraj, Advocate.
For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

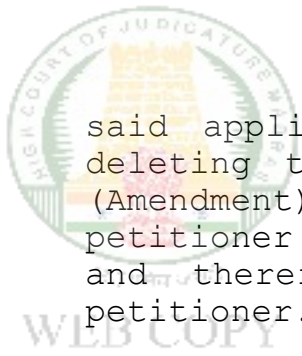
PRAYER :-

For Anticipatory Bail in Cr.No.1 of 2019 on the file of the Respondent police.

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 417, 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 in Crime No.1 of 2019, seeks anticipatory bail.

2.The learned counsel for the petitioner has submitted that after dismissal of the previous petition in Crl.O.P.(MD). No.1752/2019, the respondent police has altered the provisions of law and filed alteration report stating that the petitioner has committed the offence under Sections 417 and 506(i) I.P.C and Section 4 of TNPHW Act. He further submitted that in the alteration report, Sections 66-E and 67 of the Information Technology (Amendment) Act,2008 have been deleted. He further submitted that the previous petition was dismissed only on the ground that the petitioner has posted the message in the social media as if the defacto complainant is a prostitute and since after dismissal of the



said application, the respondent has filed alteration report by deleting the Sections 66-E and 67 of the Information Technology (Amendment) Act, 2008, as there is no material to show that the petitioner has committed any offence under the aforesaid provisions and therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra, the learned Government Advocate (Crl.Side) has fairly conceded that after dismissal of the previous petition, the investigation revealed that there is no material to show that the petitioner has posted any message in the social media with regard to the defacto complainant and hence, the provisions under Sections 66-E and 67 of the Information Technology (Amendment) Act, 2008 have been deleted. She further submitted that now, the defacto complainant has joined with her husband and she is living with him. However, she opposed this petition, as investigation is still pending.

4.Taking into consideration of the submissions made by the learned Government Advocate (Crl.Side) that after dismissal of the Crl.O.P.(MD).No.1752/2019, the respondent has filed alteration report by deleting Sections 66-E and 67 of the Information Technology (Amendment) Act, 2008, and also the fact that now, the defacto complainant has joined with her husband, this Court is inclined to grant anticipatory bail to the petitioner, by imposing certain conditions:-

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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].

sd/-
06/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NA.PALANIYANDI, Advocate SR.No.13008

ORDER
IN
CRL OP(MD) No.10227 of 2019
Date :06/08/2019

MS/VR/SAR-1/21.08.2019/3P.6C