



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11008 of 2019

Antony Jose,

... Petitioner/Accused

Vs

THE STATE REP BY

The Insepctor of Police,

Kollencode Police Station, Kanyakumari

District Crime No. 111/ 2019.

... Respondent/Complainant

For Petitioner : M/s.S.Sivakumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.111 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(i) of IPC, Sections 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and 67 A of Information Technology Act, in Crime No.111 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

3.The case of the defacto complainant is that the petitioner had forwarded certain offending photographs from his mobile to her

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



relative.

4.The learned counsel for the petitioner states that the petitioner was in love with the defacto complainant. But the defacto complainant got married to somebody else. Thereafter, the husband of the defacto complainant approached the petitioner and demanded that the photos earlier taken should be deleted from the mobile of the petitioner. The petitioner informed the husband of the defacto complainant that he had deleted all the photos. He also gave his mobile phone to him. But he refused to return the mobile, due to which, there was a quarrel between the two. The specific allegation of the petitioner is that he had instigated his wife to lodge the present complaint. He would further claim that the photographs now shown by the police were downloaded from the memory of the petitioner's cellphone. The petitioner's mobile phone is with the police only. Even in the complaint, the defacto complainant has not mentioned the phone number of her relative. The police are not in a position to make a statement that the photographs now shown before me were downloaded from the memory card of the defacto complainant's relative. Therefore, in this background, I am of the view that the false implication cannot be ruled out.

5.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Kuzhiturai, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
06/09/2019

/ TRUE COPY /

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



TO

1. Judicial Magistrate No.2, Kuzhiturai.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District @ Nagercoil.
3. The Insepctor of Police,
Kollencode Police Station, Kanyakumari
District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.SIVAKUMAR, Advocate Sr. No. 15031

ORDER

IN

CRL OP(MD) No.11008 of 2019

Date : 06/09/2019

TR/PN/SAR-III (12.09.2019) 3P 6C