



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2019

WEB COPY

PRESENT

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

CRL OP (MD) . No.12848 of 2019

Dhathojwol Pinapati, ... Petitioner/Accused

Vs

The State rep by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Cr.No.153/2019).

... Respondent/Complainant

For Petitioner : MR.N.Mohideen Basha, for
M/s. A. Gowthaman,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.153 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

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

2. The petitioner is in custody since 27.07.2019, for the offences under sections 294(b) and 506(i) of I.P.C. and Section 67 of Information Technology (Amendment) Act, 2008, in Crime No.153 of 2019, on the file of the respondent police. Hence, he seeks bail.

3.The defacto complainant's allegation is that the petitioner is embarrassing her by posting certain offensive messages and photos in the social media. On the other hand, the petitioner's counsel would place materials before the Court which prima facie indicate that the petitioner is in a kind of consensual relationship. Be that as it



may, the petitioner's counsel on instructions gives a solemn undertaking before this Court that after the petitioner comes out on bail, he will file an notarised affidavit before the Trial Magistrate that he will not embarrass the defacto complainant or her family in any way. It is made clear that if this undertaking is breached, it is open to the defacto complainant to file a miscellaneous petition before this Court seeking cancellation of this bail order.

4. Recording the undertaking of the petitioner's counsel given on instructions, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 Judicial Magistrate No.I, Nagercoil.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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/-
17/09/2019

/ TRUE COPY /

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

TO

1. Judicial Magistrate No.I, Nagercoil.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
3. The Officer Incharge, Sub Jail, Nagercoil.



4. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.A.GOWTHAMAN, Advocate Sr. No. 15766

ORDER
IN
CRL OP (MD) No.12848 of 2019
Date : 17/09/2019

TR/PN/SAR-III (18.09.2019) 3P 7C