

IN THE HIGH COURT OF JIUDICATURE AT MADRAS

DATED : 17.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.8849 of 2020

V.Elango

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Annur Police Station,
Coimbatore.
Crime No.153 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Crime No.153 of 2020 on the file of respondent police.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 354A(1)(i), 506(i) of IPC r/w. Section 66 A & B and 67 (A) of Information Technology Act, 2000, in Crime No.153 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the victim girl had a love affair and later there was some misunderstanding. The further case of the prosecution is that the petitioner gathered the password of the mobile phone belonging to the victim girl and started sending messages to her relatives and friends about the relationship.

3.Learned counsel for the petitioner submitted that the relationship is strained and in fact, it was even opposed by the father of the victim girl. Learned counsel further submitted that the petitioner will not go anywhere near to the victim girl and he will not send any messages or photos to any of her friends or relatives.

4. Learned Additional Public Prosecutor, on instructions, submitted that the petitioner took advantage of the relationship and got the password of the mobile phone belonging to the victim girl and he was sending messages and mails to the victim's girl relatives and friends. Learned counsel further submitted that the petitioner must be directed to file an affidavit undertaking not to send any such messages or photos to the friends and relatives of the victim girl.

5. Taking into consideration, the facts and circumstances of the case, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Mettupalayam on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner should file an affidavit before the Court below undertaking that he will not go anywhere near the victim girl and he will not send any messages or photographs either by himself or through any one else to the relatives or friends of the victim girl.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police every Monday at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
METTUPALAYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ANNUR POLICE STATION,
COIMBATORE.

CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges

CRL OP.8849/2020

Date :17/06/2020

cs 03/08/2020

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