

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11648 of 2020

V.Munikrishnan

... Petitioner

Vs.

The State Rep. By its
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.758 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.758 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 67A, 67B of Information Technology Act and Section 15 of Protection of Child from sexual offences Act, in Crime No.758 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that, the complaint has been received from the "National Centre for missing and exploited children " alleged that the petitioner had downloaded and circulated pornographic and obscene pictures, namely child photographs material from his mobile phone. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the phone numbers of the petitioner and the alleged numbers to which the materials are stated to be shared are not found in FIR and the Section 15 of the I.T Act is not attracted in this case and since he

has not used it for commercial purpose. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the complaint has been given by the "National Centre for missing and exploited children" who have been monitoring people engaged in sharing and circulating of pornographic material concerning children. During their watch they have found that the petitioner has downloaded and circulated pornographic materials concerning children through his mobile number. The involvement of the petitioner is fixed through the IP number of his mobile phone. He would also submit that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above fact and circumstances and also considering the serious nature of offence, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
05/08/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.11648/2020

Date :05/08/2020

TA-21/08/2020