

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18409 of 2020

1.G.Bhuvaneswari ... Petitioners/Accused 1 to 3
2.A.Sivakumar
3.V.G.Rajeshkumar
Vs.

State Represented by, ... Respondent
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Cr.No.907 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.907 of 2020 pending on the file of the respondent police.

For Petitioners: Mr.R.Bharath Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Govt. Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2003, Section 506(i) of IPC and Section 66A of the Information Technology Act, 2000, in Crime No.907 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the *de facto* complainant Vithyavigasini is that she was working in an Advocate's Office at Udumalpet and that the first accused, who had come to the Advocate's Office for a case, got acquainted to her and that she had called the *de facto* complainant to work in a Beauty Parlor and she had intimated the Advocate about that and the Advocate had reprimanded the first accused not to come to office, due to which, there was enmity and thereby, the first accused, through her son-A3 through different phone numbers, had

threatened her saying that they would upload her photographs in the social media after morphing and they had also stated that the second accused had rowdy influence and they would do away with her. While so, she left her job and she was at home and her marriage was fixed with one Prakash and the *de facto* complainant also posted her engagement photographs in the social media. Thereafter, the first accused had gone to the house of said Prakash and had spoken bad things about the *de facto* complainant and thereby, the marriage proposal has dropped. The further allegation is that the accused had indulged in illegal activities and made lot of money. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since there was a fight between the first petitioner and the *de facto* complainant in the social media and in fact the *de facto* complainant had also uploaded certain abusive contents about the first petitioner in the social media and antagonised by the same, the first petitioner, without understanding the consequences, had also uploaded certain contents in the media and that the first petitioner has now expressed her remorse and filed an affidavit of undertaking that she will not interfere with the *de facto* complainant and she will not upload any messages that would hurt the *de facto* complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that when the *de facto* complainant was working in the Advocate's Office, the accused, who had acquainted during her visits to the Advocate Office, called her to work in a Beauty Parlour, when she had refused to do so, the first petitioner had threatened the *de facto* complainant through her brother and son and thereafter, had also uploaded certain abusive contents in social media, due to which, her marriage proposal was dropped. He would submit that the investigation is pending and that there is no previous case against the petitioners.

5. Taking into consideration of the facts and submissions of the learned Counsel and also considering the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-I, Udumalpet, Tiruppur District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each 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 petitioners 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.

[b] the petitioners shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/12/2020

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

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

TO

1 THE JUDICIAL MAGISTRATE-I,
UDUMALPET, TIRUPPUR DISTRICT.

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

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.R.BHARATH KUMAR Advocate on payment of necessary
charges SR NO.8506

CRL OP.18409/2020

Date :18/12/2020

MN-04/01/2021



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