



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/02/2020

PRESENT

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

CRL OP(MD) . No.2128 of 2020

Abesan @ Ebesan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Keelakkarai All Women Police Station,
Ramanathapuram District
Cr.No.01 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Suresh Manickam,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.01 of 2020 on the file of the Respondent Police

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 26.01.2020 for the offences under Sections 354(C) and 509 of I.P.C., Sections 66(E) and 67(A) of Information Technology Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.1 of 2020 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner's brother is shown as A1. The petitioner's counsel on instructions gives an undertaking that the petitioner's brother will surrender before the respondent police on 11.02.2020 at 10.30 a.m. This undertaking given on instructions is placed on record.

4. The prosecution case is that the petitioner and two others had videographed the victim when she was bathing. The conduct of the accused is beyond condonation and the learned Government Advocate (Crl. Side) opposed grant of bail.



5. The offending mobile phone has been recovered. The petitioner is aged about 22 years and his continued incarceration is not going to serve any purpose, 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 (Additional Mahila Incharge) Ramanathapuram.

(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/-
07/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM
(ADDITIONAL MAHILA COURT)

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE SUPERINTENDENT,
DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
KEELAKKARAI ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

5. ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SURESH MANICKAM, Advocate (SR-2587)

ORDER IN
CRL OP(MD) No.2128 of 2020
Date :07/02/2020