



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.6822 of 2020

1.Mohammed Ismail,

2.Julbiya @ Julbiya Banu, ... Petitioners/Accused 1 & 2

Vs

State rep by

The Inspector of Police,

Tallakulam Police Station, Madurai City.

(In Crime No.1471 of 2020). ... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

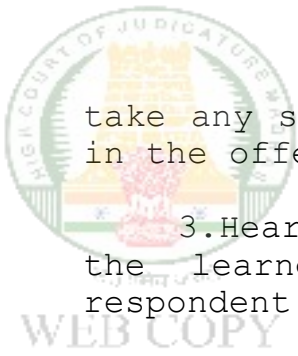
For Anticipatory Bail in Crime No.1471 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 509 & 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Section 67 of the Information Technology Act, in Crime No. 1471 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of A1. One Mehraj, who is arrayed as A3 in this case, said to have illegally recorded the bathing videos of the defacto complainant and started to grab money from the defacto complainant.

When the respondent police informed the same to A1, he did not



take any steps and later she came to know that A1 is also involved in the offence.

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

4. The learned counsel for the petitioners submitted that the petitioners are no way involved in the offence and a false case has been foisted against the petitioners and he prays for grant of anticipatory bail.

5. The learned Government Advocate (Crl. side) would submit that in this case A1 is the husband of the defacto complainant, A2 is the relation of A1. At the instigation made by A2 one Mehraj ranked as A3 took the bathing video of the defacto complainant and sharing that videos and they have also demanded money from the defacto complainant. He would further submit that the investigation is in progress.

6. Considering the facts and circumstances of the case and also considering the fact that the accused in this case is husband of defacto complainant and his relative and no specific overtact is attributed against them except stating that they did not question A3 and the petitioners undertake to surrender their mobiles for further investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No. II, Madurai, and on their executing a bond for a sum of Rs. 50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

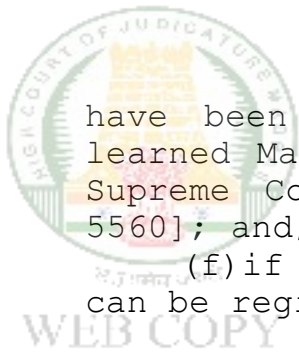
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(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]; and;

(f) if the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/07/2020

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

VSD

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Judicial Magistrate No.II, Madurai.
- 2.Do-Through The Chief Judicial Magistrate,
Madurai District.
- 3.The Inspector of Police,
Tallakulam Police Station, Madurai City.
(In Crime No.1471 of 2020).
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.6822 of 2020
Date : 21/07/2020

TR/RSK/SAR-II (27.07.2020) 3P 5C