



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7356 of 2020

YESU SAHAYA PRAVIN

... PETITIONER/ACCUSED
RANK NOT KNOWN

VS

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
PALAVOOR POLICE STATION, PALAVOOR,
TIRUNELVELI DISTRICT.
CRIME NO.139/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s S.Palani Velayutham,
Advocate.

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

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

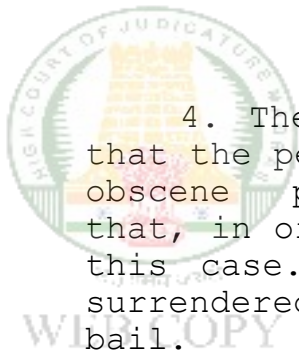
PRAYER :- For Anticipatory Bail in Crime no.139 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 354(c) & 506(ii) and 509 of IPC r/w Section 4 of Tamil Nadu Prevention of Harassment of Women Act, in Crime No.139 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have illegal intimacy with the defacto complainant and the petitioner has taken obscene photos of her. Thereafter, using the photos, the petitioner said to have demanded Rs.1 Lakh from the defacto complainant, and threatened that if failed to pay the said sum, the photoes will be uploaded in the social Media and also criminally intimidated her. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has never taken the obscene photos of the defacto complainant. He further submitted that, in order to wreck vengeance he has been falsely implicated in this case. He further submitted that the alleged cell phone was surrendered to the respondent police. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has surrendered his mobile phone to the respondent police.

6. Considering the rival submissions and considering that the petitioner said be in illegal intimacy with the defacto complainant and said to have taken obscene photos and criminally intimidated her, and also demanded a sum of Rs.1 Lakh, and now the petitioner also handed over the cell phone to the respondent police which was used for taking obscene photographs of the defacto complainant, there is no material as of now to show that he has taken obscene photos and no allegation that any photo has been uploaded in social media and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) 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;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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 *Govindarajan P. In/ K. S. S. S. vs. State of Kerala* [(2005) AIR SCW 5560]; and;



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

sd/-
07/09/2020

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

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,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE SUB INSPECTOR OF POLICE
PALAVOOR POLICE STATION,
PALAVOOR, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7356 of 2020
Date :07/09/2020

ksa
JM/PN/SAR II/10.09.2020/3P/5C