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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7551 of 2020

DESAN JINO

... PETITIONER/2nd ACCUSED

VS

1. STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO.18/2020).

2. THE INSPECTOR OF POLICE,
CBCID, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.2/2020).

... RESPONDENTS

For Petitioner : M/s.K.Rajeshwaran,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 02 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 09.05.2020 for the alleged offences under Sections 376,354(A), 323 of IPC and Section 67(A) of Information Technology Act.

2. There are totally three accused in this case. The petitioner herein is arrayed as A2. The case of prosecution is that the petitioner herein has posted obscene videos of the defacto

<https://hcservices.eprints.com/hcservices/>



3. The learned counsel for the petitioner would submit that the petitioner is in jail for more than 90 days and final report has not been filed by the respondent police. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that nearly 80 women were victimized using Information Technology. He would also submit that the respondent police has completed investigation and yet to file final report. He would also submit that two previous cases of similar nature are pending against the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is jail for more than 90 days and the final report has not been filed before the concerned court by the respondent police, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.I, Nagercoil, Kanyakumari District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity .

ii) the petitioner shall report before the respondent police once in a week on every Monday at 10.00 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE
CBCID, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 5 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr..K.Rajeshwaran, Advocate in SR.No.5965

ORDER
IN
CRL OP(MD) No.7551 of 2020
Date :13/08/2020

aav

JM/JC/SAR 2/13.08.2020/3P/8C