



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

Date : 05/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7606 of 2020

JASAM KANI

... PETITIONER/ACCUSED NO.4

VS

STATE REP.BY
THE INSEPCTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
CR.NO. 42 OF 2020.

... RESPONDENT/COMPLAINANT

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

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

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

PRAYER :-

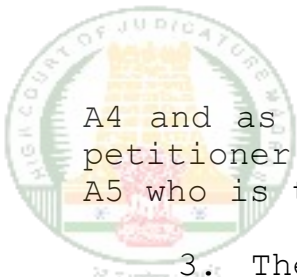
For Bail in Cr.No. 42 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 02.07.2020 for the alleged offences under Sections 354 (D), 384, 120(b) of IPC r/w. Section 66(E) and 67(A) of Information Technology Act.

2. There are totally five accused in this case. The petitioner herein is arrayed as A4. The case of the prosecution is that the petitioner herein was in love with daughter of the defacto complainant and they also had sexual intercourse, at that time the petitioner herein stated to have taken obscene photos of the defacto complainant's daughter and also demanded money from her.

<https://hdservices.com.in/> directed the victim to send money to the account of



A4 and as per the direction the victim girl also send money to the petitioner herein who in turn re-transferred part of the money to A5 who is the close friend of A1. Hence the complaint.

3. The learned counsel for the petitioner would submit that petitioner is an Engineering Student and he is no way connected with the said case. He would also submit that the main allegations are against A1 only and the petitioner herein is not aware of A1. He would also submit that being friend of A5 he received money from the victim and re-transferred to the same to the account of A5.

4. The learned Government Advocate(Crl.Side) would submit that the all the A1 in this has taken obscene photos of the victim and also blackmailed her to send money and the victim has also deposited money in the petitioner's account and he also played an active role in the said occurrence.

5. It is seen from the records that the victim has transferred money to the account maintained by the petitioner herein who in turn has re-transferred the said amount to the account of A5. That apart no allegation levelled against the petitioner .

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram

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 as and when required for interrogation

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

<https://hccourts.courts.gov.in/Kse6/has>ji 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/-
05/08/2020

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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 NO.II,
RAMANATHAPURAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSEPCTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7606 of 2020
Date :05/08/2020

aav
JM/VR/SAR 2/05.08.2020/3P/6C