



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

Date : 02/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7884 of 2020

B.Elango

... Petitioner

Vs

The State rep.by
The Sub-Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Crime No. 675 of 2020

... Respondent/Complainant

For Petitioner : M/s.G.V.Vairam Santhosh,
Advocate.

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

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

PRAYER :-

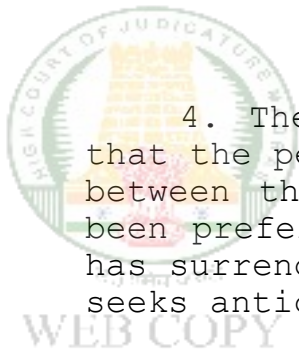
For Anticipatory Bail in Cr.No.675 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 354A, 384,506(1) of IPC and Section 4 of TNPWH Act and 67 of IT Act, in Crime No.675 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused and the defacto complainant is the husband of one Sandhiya. The allegation is that the petitioner said to have illegal intimacy with the defacto complainant's wife and also taken obscene photos and also received jewels and Rs.10 lakhs 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 respondent.



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity between the petitioner and the defacto complainant a false case has been preferred against the petitioner. He further submitted that he has surrendered his mobile phone to the respondent police. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner said to have illicit intimacy with the defacto complainant's wife and also threatened her and criminally intimidated and received a sum of Rs.10 lakhs. He further submitted that, now the petitioner has surrendered his mobile phone to the respondent police and the investigation of this case is almost over.

6. Considering the fact and circumstances of the case and submission made by the learned Government Advocate (criminal side) and also considering the fact that the allegation is that the petitioner has taken obscene photographs of the victim and threatened her to upload the same and now, the petitioner has surrendered his mobile phone to the respondent police and investigation is almost completed 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 No.I, Nagercoil, Kanyakumari 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 had been breached 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]; and;

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

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sd/-
02/09/2020

/ TRUE COPY /

/ /2020
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 I,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB-INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7884 of 2020
Date : 02/09/2020

KSA
TK/PN/SAR.2/04.09.2020/3P/5C