



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

Date : 24/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8604 of 2020

THATCHAYANI

... PETITIONER/2nd ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY CITY.
(CRIME NO.326 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.T.A.Ebenezer,
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.326 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are two accused in this case. The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 419 and 420 of IPC and Sections 66, 66C, 66D, 67 and 67A of Information Technology Act, 2000, in Crime No.326 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The petitioner along with A1 hacked the face book account of the defacto complainant and posted some abscent photos and message. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that due to family dispute, the petitioner has been falsely implicated in this case. He further submitted A1 has already been arrested and released on bail. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that A1 has been arrested and voluntarily he gave a confession statement. It is stated that at the instigation of this petitioner, A1 posted some obscene photos and message in the account of the defacto complainant.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the records, it is seen that the petitioner said to have abetted A1 to commit offence. A1 has already been arrested and released on bail. Considering the above circumstances, I am 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 her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Trichy, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or 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

<https://hccourts.courts.gov.in/Kse68hes> *Govindarajan P. In/ Kse68hes* 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/-
24/08/2020

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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.V,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8604 of 2020
Date :24/08/2020

VSG
JM/PN/SAR 2/26.08.2020/3P/5C