



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

Date : 24/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8695 of 2020

1.Jesi Buela

2.Alex Antony Raj

... Petitioners/Accused No.2 & 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.
Crime No.7 of 2020

... Respondent/Complainant

For Petitioners: Mr.A.D.Ganeshamoorthi,
Advocate.

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

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

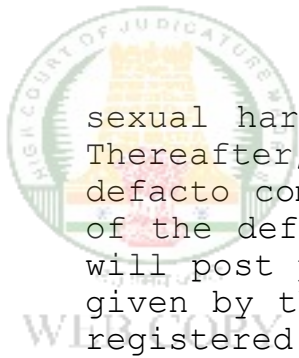
PRAYER :-

For Anticipatory Bail in Crime No.7 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 354(A), 354(B), 354(D) and 109 of IPC and r/w Section 66E and 67A of the Information Technology Act,2000, in Crime No.7 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the sister-in-law of the defacto complainant and the second petitioner is the brother of the first petitioner. The allegation against the petitioner is that the defacto complainant's brother got married to the first petitioner and due to family dispute, they are living separately. Earlier, One Rajeshkanna called the defacto complainant over phone and developed friendship with her. After 10 days, the said Rajeshkanna asked the defacto complainant to send her photo and she had also sent her photo to him. Thereafter, he made



sexual harassment through mobile phone to the defacto complainant. Thereafter, the first petitioner herein said to have threatened the defacto complainant that if she has failed to take steps to reunion of the defacto complainant's brother with the first petitioner, she will post photos in the social media. Hence, the complaint has been given by the defacto complainant, based on that, the crime has been registered against the petitioners.

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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to family dispute, the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that at the instigation of the petitioners, the first accused said to have threatened the defacto complainant by posting absconding photos in the social media. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the first petitioner got married to the defacto complainant's brother and due to some family dispute, they are living separately. Thereafter, the defacto complainant and one Rajeshkanna, who is arrayed as A1, are developed intimacy and then the defacto complainant said to have sent her photos to A1. Thereafter, the defacto complainant came to know that A1 is the relative of the first petitioner. Now, the first petitioner threatened the defacto complainant by stating that the absconding photos, which were already sent to A1, will be posted in the social media and as on today, it is only mere allegation that the first petitioner threaten to publish the photos in the social media and no photos have been published, considering the above circumstances and there is no other serious allegations against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Additional Mahila Court, Tiruchirapalli, Tiruchirapalli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the District 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2020

/ 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,
ADDITIONAL MAHILA COURT, TIRUCHIRAPALLI.
TIRUCHIRAPALLI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/BServices>.



3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-6054[I] dated
24/08/2020)

ORDER

IN

CRL OP(MD) No.8695 of 2020

Date :24/08/2020

VSG

TK/PN/SAR.3/28.08.2020/4P/6C