



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9182 of 2020

R.MADHAN

... PETITIONER/ACCUSED RANK NOT KNOWN

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI JUNCTION,
TIRUNELVELI DISTRICT.
CRIME NO.NOT KNOWN OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.C.Susi Kumar,
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. Not known of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.Rank Not Known, apprehending arrest at the hands of the respondent Police for the offence punishable under Section 294(b), 323, 506(ii) of IPC and Section 6 of POCSO Act, in Crime No. Not known, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl, who is aged about 11 years. The defacto complianant and the petitioner are neighbours. Earlier, the petitioner said to have taken photograph of the victim girl and threatened the defacto complainant and uploaded the same in the social media and then the defacto complainant given complaint and subsequently the matter has been settled. Thereafter, once again the petitioner said to have threatened the defacto complainant with dire consequences, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that earlier alleging that the petitioner has taken photograph of the victim girl and uploaded in the social media and subsequently the matter has been settled. Thereafter, due to some *mala fide* intention the defacto complainant gave another complaint against the petitioner. He further submitted that the petitioner has not uploaded any photos in the social media and hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioner has taken photograph of the victim girl and by using the same, he threatened the defacto complainant and also put the same in the social media. Thereafter after some compromise once again the petitioner said to have threatened the defacto complainant. Hence, he objected to grant anticipatory bail.

6. Considering the rival submissions and on perusal of the records, it is seen that earlier the petitioner said to have taken some photographs of the victim girl and also showed it to the defacto complainant, who is the mother of the minor girl. It is seen that subsequently the matter has been settled and once again the petitioner said to have threatened the defacto complainant. Now it is stated that the photo has been deleted and has not been uploaded in the social media and the mobile phone has been produced before the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

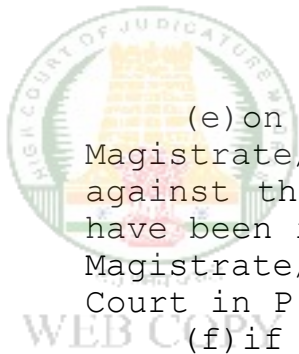
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner shall execute a bond for 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



(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 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.

sd/-
11/09/2020

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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.IV,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI JUNCTION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9182 of 2020
Date :11/09/2020

VSD
JM/AKM/SAR I/15.09.2020/3P/5C