



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

Date : 26/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13438 of 2020

1. Abinandh
2. Sheeba

... Petitioners/Accused Rank No.1 & 2

Vs

State Rep. by
The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No.350 of 2020.

... Respondent/Complainant

For Petitioners: Mr.G.Aravinthan,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.350 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 509 and 506(i) of IPC and Section 4 of TNPHW Act, 2002, in Crime No.350 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. Due to previous enmity, the petitioners said to have created a fake facebook account and posted the defacto complainant and her mother photos under the caption of Silksimitha and bad girls. When the same was questioned by the defacto complainant and her mother, the petitioners abused the defacto complainant and her mother with filthy language and also tried to attack the defacto complainant's mother. Hence, the present



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 and they have been falsely implicated in this case. In this regard, the petitioners give an undertaking before this Court that he will not indulge in these kinds of activities in future and seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners said to have created a fake facebook account and posted the defacto complainant and her mother photos under the caption of Silksimitha and bad girls. When the same was questioned by the defacto complainant and her mother, the petitioners abused the defacto complainant and her mother with filthy language and also tried to attack the defacto complainant's mother. Hence, he opposed this petition.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners give an undertaking before this Court that he will not indulge in these kinds of activities in future, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall not indulge in these kinds of activities against the defacto complainant in future.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Kuzhithurai, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 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 daily at 10. 30 a.m for a period of three weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/11/2020

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

+1. CC to M/S.G.ARAVINTHAN Advocate SR.No.7722

ORDER
IN
CRL OP(MD) No.13438 of 2020
Date :26/11/2020

VSG
JM/PN/SAR III/04.12.2020/3P/6C

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