



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.268 of 2021

J.Beeha @ Beeha Balasali

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi.

Crime No. 149 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Balakrishnan.R,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

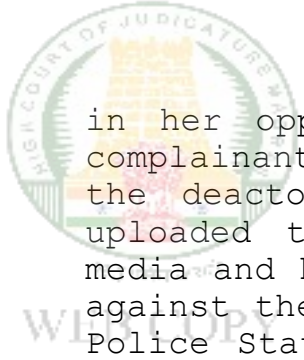
For Anticipatory Bail in Crime No.149 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b) and 506(ii) of IPC and Section 4 of the Tamil Nadu
Prohibition of Harassment of Women Act @ under Sections 294(b),
506(ii) I.P.C. and Section 4 of the Tamil Nadu Prohibition of
Harassment of Women Act and Section 67 of the Information Technology
Act, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the defacto complainant
is B.Sc., Computer Science Graduate and the petitioner is residing



in her opposite house. The petitioner was following the defacto complainant and also made love proposal and the same was refused by the defacto complainant. Due to which, the petitioner has been uploaded the defacto complainant's obscene photos in the Social media and hence, the defacto complainant earlier lodged a complaint against the petitioner in Crime No.15 of 2020 of Kulasekarapattinam Police Station and thereafter, he had not changed himself and he has been continuing his activities. Hence, the present complaint.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. The petitioner had filed an affidavit stating that he is now employed and he shall not make any post in the Social media, he shall not share any photo or other messages regarding the defacto complainant and cause any disturbance to the defacto complainant.

5. The learned Government Advocate(Crl.Side) would submit that the petitioner and the defacto complainant are neighbors, the petitioner was followed the defacto complainant and made love proposal and the same was refused by her, the petitioner uploaded obscene photographs of the defacto complainant. He would further submit that there is no previous case against the petitioner.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no previous case against the petitioner, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m for a period of one week and thereafter 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 Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
15/02/2021

/ TRUE COPY /

/ /2021
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, SATHANKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.268 of 2021
Date :15/02/2021

LS
TE/PN/SAR-III : 23/02/2021 : 3P/5C