



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1903 of 2021

1. Stephen Raj

2. Kannan

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
Awps Nagercoil,
Kaniyakumari District.
Crime.No.62/2020

... Respondent/Complainant

For Petitioner : M/s.Muthu Ganesa Pandian.K,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.62 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 228A of IPC, 23(4) of Protection of Child From Sexual Offences Act, 2012 and Section 67 of Information Technology Act, 2000, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner allegedly published the victim's photograph and name in the News paper and the second petitioner had forwarded the e-copy to the complainant's mobile number. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the first petitioner is the publisher and second petitioner is the employer. He would further submit that the petitioners have produced the undertaking affidavit before this Court, stating that the petitioners will not publish the photographs of the victim. The petitioners have also submitted that they are not allegedly involved in POCSO offences in future.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is pending.

5.Recording the undertaking given by the petitioners' counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special POCSO Court, Nagercoil, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SJI

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 JUDGE,
SPECIAL POCSO COURT,
NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
AWPS NAGERCOIL,
KANIYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1903 of 2021
Date :03/03/2021

NR/VR/SAR-IV(10.03.2021) 3P:4C