



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2036 of 2021

V.Marimuthu @ V.Pragadeesh ... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.55 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.Thiruvarutselvan, Advocate for
M/s.Jury Brain Law Offices,
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

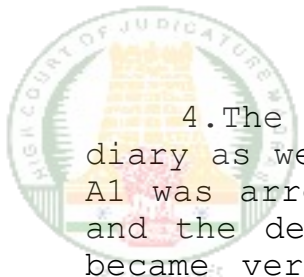
PRAYER :- For Anticipatory Bail in Crime No.55 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 385, 506(ii) of I.P.C. r/w 67, 67A of the Information Technology Act 2000, in Crime No.55 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have threatened the de-facto complainant demanding money for the video content recorded by her boy friend Anbuselvam, who is arrayed as A-1. Hence, the complaint.

3.The learned counsel for the petitioner submits that he has been falsely implicated in this case. The defacto complainant is none other than his brother's wife and their relationship is now under strange. She is also his maternal uncle's daughter. The defacto complainant is living separately. The petitioner is employed in Sriperumbudur in Kanchipuram District. He has nothing to do with activities of A1 in this case. Hence, he seeks anticipatory



4.The learned Government Advocate(Crl. side) produced the case diary as well as the compact disk recording made against petitioner. A1 was arrested and during his confession, it was informed that A1 and the defacto complainant are working in one place and thus they became very friendly. In furtherance to the friendship, A1 had invited the defacto complainant to his house. A1 switched on the mobile camera before the defacto complainant entered into his house and took some photos and videos. A1 demanded a sum of Rs.2,00,000/- from the defacto complainant by showing that photos. Since, the defacto complainant refused to pay the said amount, A1 forwarded the photos and videos to the petitioner herein. The petitioner also demanded a sum of Rs.4,00,000/- from the defacto complainant. If the defacto complainant fails to pay the said amount, the video clips as well as the photos will be published in social media. The petitioner uploaded in the social media. Thereafter, this Court vide order dated 10.02.2021, directed the petitioner to appear before the respondent police on 15.02.2021 and 19.02.2021 and hand over the mobile phone and the materials available with him.

5.Considering the said submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate at Periyakulam 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 two weeks 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/02/2021

/ 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, PERIYAKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2036 of 2021
Date :24/02/2021

SJI
MS/PN/SAR-4/04.03.2021/3P.5C