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

Date : 17/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.2480 of 2021

E.Nandhu Kumar

... Petitioner/Accused (Single)

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District
Crime No. 6/2020.

... Respondent/Complainant

For Petitioner : Mr.Anand.R.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 67B of the Information Technology Act, 2000 and Section 15 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.6 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the report received from the National Centre for missing and exploited children, a case was registered against the petitioner stating that he had downloaded obscene pictures and videos of the children, which have been banned, and uploaded the same in his website.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submit that the petitioner will not repeat such action in future. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner had committed very serious offence against the children. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner had downloaded some obscene pictures and clippings of the children and uploaded the same in his website. A report was received from the National Centre for missing and exploited children and thereafter, the present case has been registered. The petitioner seems to have accidentally come across the some download and upload, now the petitioner undertakes that such thing will not happen in future.

6.In view of the above, 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 two weeks from the date of receipt of a copy of this order, before the Special Court for POCSO Cases, Tirunelveli, 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 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 petitioner shall appear 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/02/2021

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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 JUDGE,
SPECIAL COURT FOR POCSO CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2480 of 2021

Date :17/02/2021

GNS

TE/VR/SAR-II : 23/02/2021 : 3P/4C