



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.3254 of 2021

Iruthaiyaraj ... Petitioner/Accused Sole

Vs

The State rep.by,
The Inspector of Police,
Somarasampet Police Station,
Trichy District
Crime No.127/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Vivek Kumar,
Advocate.

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

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

PRAYER :-

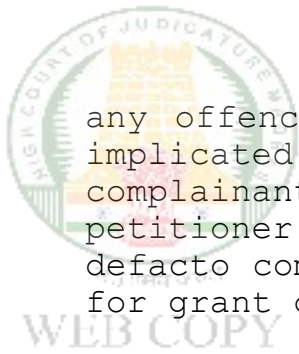
For Anticipatory Bail in Crime no.127 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294-B, 506(ii) IPC and Section 66 E of the Information Technology Act, 2000 in Crime No.127 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant's husband were friends and the petitioner used to go to the house of the defacto complainant. Taking advantage of the same, the petitioner misbehaved with her and threatened her that he would upload some obscene videos in youtube and also demanded a sum of Rs.5 Lakhs. Hence, the complaint.

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 submitted that the defacto complainant borrowed a sum of Rs.12,75,144/- from the petitioner and when the petitioner asked to repay the same, the defacto complainant lodged the present false case. 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 investigation is pending.

5.It is seen that despite several adjournments the respondent police failed to file counter. It is further seen that there is some money transaction between the petitioner and the defacto complainant, for which, the present complaint has been lodged.

6.In view of the same, 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 learned Judicial Magistrate No.V, Trichirappalli District 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 appear before the respondent Police 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.

WEB COPY

/ TRUE COPY /

sd/-
30/03/2021

/ /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 NO.V,
TRICHIRAPPALLI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI.
 - 3 THE INSPECTOR OF POLICE,
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.MOHAMMAD KASIM, Advocate SR.No.2717

ORDER
IN
CRL OP(MD) No.3254 of 2021
Date :30/03/2021

NR/PN/SAR-III(09.04.2021) 3P:6C