



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5521 of 2021

Ravi Kumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.
(Crime No.29 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash.S.,
Advocate.

For Respondent : Mr.KR. Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

Anticipatory Bail in Cr.No.29 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 Section 15 of Protection of Child from Sexual Offences Act, 2012 and 67(B)b of Information Technology Act, 2008 INFC , in Cr.No.29 of 2020, on the file of the respondent police seeks anticipatory bail.

2. The learned Counsel appearing for the petitioner submitted that the petitioner is uneducated person and without knowing the technicalities, this might have been happened.

3. The learned Government Advocate(Crl.Side) appearing for the State submitted that the investigation is going on.

4.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.



5. It is seen from the submissions that the petitioner is said to have downloaded the obscene photographs of the child pornography materials in the web-site and shared to others in face book. Therefore, this case came to be registered.

6. Considering the nature of the case and that the case is based on cellphone evidence, this Court is of the considered view that the petitioner may be released on 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 Judge, POCSO Special Court, Madurai District, Madurai, 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 10.00a.m., until further orders;

(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/-
19.04.2021

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/ /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 JUDGE, POCSO SPECIAL COURT,
MADURAI DISTRICT, MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI TOWN,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5521 of 2021
Date : 19/04/2021

VB/PN/SAR-IV (22/04/2021) 3P / 4C