



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6959 of 2021

Vinothkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur.
Crime No.14 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.Vishnu,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

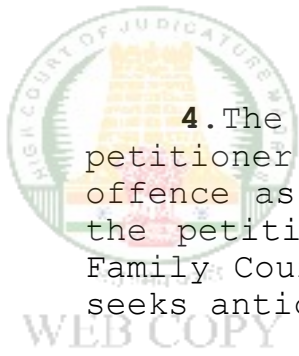
PRAYER :- For Anticipatory Bail in Crime No.14 of 2021 on the file of the respondent Police.

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 66B, 66C, 66D and 72 of Information Technology Act, 2007 in Crime No.14 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to difference of opinion, they separated. Thereafter, the petitioner hacked the defacto complainant's mobile phone and laptop. Hence, this case has been registered.



4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner filed a petition in HMOP.No.54 of 2021 before the Family Court, Trichy for restitution of conjugal rights. Hence, he seeks anticipatory bail to the petitioner.

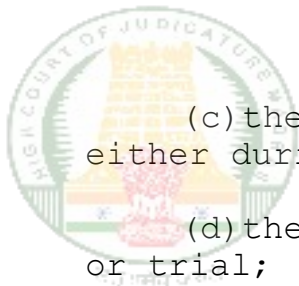
5.The learned Additional Public Prosecutor on instructions, would submit that the defacto complainant is working as a Cashier in the Canara Bank, Thanjavur and the petitioner is working as an Assistant Section Officer in Secretariat, Chennai. Due to some dispute, the petitioner and the defacto complainant were got separated and thereafter, the petitioner hacked the defacto complainant's phone and laptop.

6.It is seen from the submissions that there exist a matrimonial dispute between the petitioner and the defacto complainant. It is also informed by the learned counsel for the petitioner that the petitioner has filed a petition in HMOP.No.54 of 2021 before the Family Court, Trichy for restitution of conjugal rights and the next date of hearing is 30.06.2021. Since it is a matrimonial dispute between the husband and wife, the present complaint has been lodged with several allegations. It is also seen that they have one male child, who is now under the care of the defacto complainant. Considering the relationship between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.III Thanjavur, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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, once in two weeks i.e., on Monday, at 10.30 a.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;

WEB COPY (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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 JUDICIAL MAGISTRATE NO.III, THANJAVUR.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6959 of 2021

Date :21/05/2021

MSA

AE/MNR/SAR-III/26.05.2021/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>