



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

Date : 05/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8764 of 2021

Jino ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.236 of 2021.

... Respondent/Complainant

For Petitioner : Mr.F.Deepak, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.236 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 alleged offences punishable under Section 354(D) IPC and Sections 67, 64(A) IT Act in Crime No.236 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a married woman and has two children. The petitioner created fake ID in the name of Sowmi Sowmiya and gave friend request to the defacto complainant and she thought that she received friend request from her friend and accepted the same. Believing that she had conversation with her friend, she sent a message from her ID and then she received some wrong messages on 09.06.2021 and therefore, she enquired the person and she received reply by stating that the person was woman. On 11.06.2021, at about 04.15 pm., she received lot of messages from the above said ID and when she enquired, the person told that his name was Ganesh and the defacto complainant informed him that she would block him. Then, the said person asked her to wait and made a video call to her phone. In the video call,



the said person removed his under garment and showed his private part. Later it came to be known that the person was the petitioner herein. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He also produced the transcription of the online conversation between the defacto complainant and the accused.

5.Perusal of FIR and transcription of conversation between the petitioner and the defacto complainant show that some obscene and abusive messages have been sent to the defacto complainant. It is seen that this case was registered only on 13.06.2021. Information has to be collected by using communication technology and it would take some time for securing the evidence in this case. Considering the seriousness of the offence and the fact that investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

05/07/2021

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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 INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.F.DEEPAK, Advocate (SR-4360[I] dated 06/07/2021)

ORDER IN

CRL OP(MD) No.8764 of 2021

Date :05/07/2021



TK/MNR/SAR.2/08.07.2021/3P/4C

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