



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9328 of 2021

C.Manikandan ... Petitioner/1st Accused

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Tirunelveli City.
In Crime No.12 of 2021, ... Respondent/Complainant

For Petitioner : Mr.R.Jim

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

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

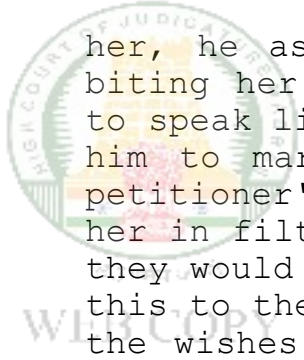
PRAYER :-

For Anticipatory Bail in Crime no.12 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 Sections 294(b), 354A, 354B, 354C, 509 and 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 66E and 67 of Information Technology Act, 2000 in Crime No.12 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an Advocate and the accused is a distant relative and he was working as a driver in Fire Services Department. They were initially talking through phone from 2017. The accused expressed that he was in love with her and the defacto complainant responded to his proposal. He used to take her in his car for outing. They used to chat through WhatsApp during night time. During whatsapp chat, he made several obscene remarks describing her body parts. During their outing he said that he feels like he wanted to be in relationship with her. During WhatsApp video call, he said that he feels like he wanted to remove her dress and have relationship with



her, he asked her to show her navel, he said that he feels like biting her nipples. Though the defacto complainant warned him not to speak like this, he continued to speak like that. When she asked him to marry her, he did not give positive response. Then the petitioner's parents and brothers had visited her house and scolded her in filthy language that she wanted to marry a wealthy person and they would not allow her to marry the petitioner. When she informed this to the petitioner, he told her that he cannot marry her against the wishes of his parents and scolded her in filthy language. He also threatened to make public their private moment recorded in the WhatsApp through WhatsApp call. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. It is his further submission that the main object of this complaint is to pressure the petitioner to marry the defacto complainant. They had no relationship whatsoever. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that the investigation is pending. He further produced the transcript of the WhatsApp chat between the defacto complainant and the petitioner. Therefore, he seeks dismissal of this petition.

5. As narrated above, the allegation against the petitioner is that taking advantage of the love between him and the defacto complainant, he made overtly sexual and obscene remarks through WhatsApp chat. Not only that, it is alleged that he threatened to make it public and made criminal intimidation. The allegation against the petitioner is very serious allegation. The main evidence involved in this case is electronic evidence. Investigation is in preliminary stage. If the petitioner is granted anticipatory bail, there is possibility for the petitioner to destroy the evidence. Therefore, this Court is not inclined to grant anticipatory bail. Accordingly, this Criminal Original Petition is dismissed.

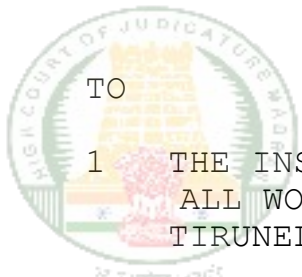
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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
ALL WOMEN POLICE STATION,
TIRUNELVELI CITY.

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

ORDER

IN

CRL OP(MD) No.9328 of 2021

Date :26/07/2021

NA/VR/SAR.IV/27/07/2021/3P/3C