



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

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12471 of 2021

Sujith ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Cyber Crime Division-III Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.2 of 2021) ... Respondent/Complainant

For Petitioner : Mr.M.R.Sreenivasan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

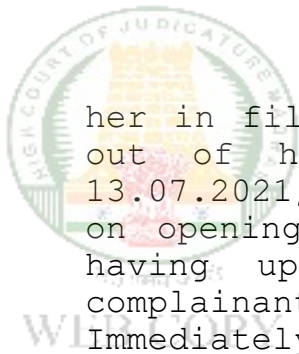
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.2 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 21.07.2021 for the offence punishable under Sections 294(b), 354(A), 506(i) of IPC and Section 4 of TNPWH Act and 66E, 67(A) of IT Act, in Cr.No.2 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant, who is a widow, is a folk dancer in Art show. The petitioner was introduced to the defacto complainant through her sister. The petitioner used to book the defacto complainant for Art show in his village. On 10.07.2021, the petitioner gave a missed call to the defacto complainant. On seeing the same, the defacto complainant contacted the petitioner, at that time, he asked her to share the bed with him and also with his friends and thereafter, she immediately cut the call. Again, the petitioner contacted the defacto complainant over phone and threatened her, if she is not accepting for the same, he will upload all her porn photos and videos in the website. On the next day, the defacto complainant went to the petitioner's house, at that time, the petitioner abused



her in filthy language and therefore, the defacto complainant came out of his house. Thereafter, the defacto complainant, on 13.07.2021, received a whatsapp message from an unknown number and on opening the same, it was the screen shot photos of proof for having uploaded the porn photos and videos of the defacto complainant in a website called "recently added free porn photo". Immediately, the defacto complainant contacted the number, but, none of the person attended the call. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner, a married man, is also an Artist. Due to money dispute regarding payment of fees for the Art show, a false complaint has been lodged against him. However, he is languishing in jail from 21.07.2021. Hence, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. He further submitted that the cell phone was recovered from the petitioner.

5. Considering the facts and circumstances of the case, the period of incarceration and the fact that the petitioner is a married man and his cell phone was recovered by the investigating agency, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing 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 Judicial Magistrate Court cum Additional Mahila Court, Nagercoil 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 daily 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.

[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 were breached 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
31/08/2021

/ TRUE COPY /

/ /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 COURT CUM
ADDITIONAL MAHILA COURT,
NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
CYBER CRIME DIVISION-III POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-5797[I] dated 31/08/2021)

ORDER
IN
CRL OP(MD) No.12471 of 2021
Date :31/08/2021

OGY
MS/VR/SAR-1/31.08.2021/3P.7C