



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12634 of 2021

Karthick, ... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Keelathooval Police Station,
Ramnad District. ... Respondent/Complainant

For Petitioner : M/s.Venkatesh D,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.181 of 2021 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 offence punishable under Sections 448, 354-C, 376 and 506(ii) IPC and Section 67 of the Information Technology Act, in Crime No.181 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the victim is a resident of Kolunthurai Village and her husband is working as a Store Keeper at Iraq and she is having 7 years old male child. During January 2021, while she was taking bath in her house, the petitioner videographed it without her knowledge. After two days, by using the said videograph, he threatened her and had sexual intercourse by force. Thereafter, he had sexual intercourse many times by threatening that he will upload the said video in Internet and he will also send it to her husband. Unable to face his torture, on 17.05.2021, she went to her parental house. Even



and husband and to live with him. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is a married man and he has two children. He further submits that the petitioner is the neighbour of the victim. Since her husband is abroad, she developed illegal intimacy with him. When it came to the knowledge of her husband, she made this false complaint with cooked-up story, in order to avoid the conflictions with her husband. The learned counsel for the petitioner produced an undertaking affidavit filed by the petitioner, before this Court, that without prejudice to his defence in the case, he would not disturb the defacto complainant.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the petitioner has filed an undertaking affidavit before this Court that he will not disturb the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudukulathur, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with the 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 is 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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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 learned Judicial Magistrate,
Mudukulathur.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Keelathooval Police Station,
Ramnad District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.12634 of 2021
Date : 09/09/2021

TR/SKN/SAR-I(17.09.2021) 3P 5C