



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

Date : 24.09.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . Nos.13974 & 13738 of 2021

WEB COPY

Akshy Krishnan

... Petitioner/Accused No.1
in Crl.O.P. (MD) .No.13974 of 2021

T.K.Vinayagamoorthy

... Petitioner/Accused No.2
in Crl.O.P. (MD) .No.13738 of 2021

Vs

1.State Rep. by
The Inspector of Police,
Cyber Crime Division,
Tuticorin District.
(Crime No.11/2021).

... 1st Respondent/Complainant
in both petitions

2.Sharmila

... 2nd Respondent / Defacto
Complainant in both petitions

For petitioners : Mr.G.Mariappan
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

For Intervenor : Mr.H.Arumugam
for Mr.Dhilipan Pandian
(in both cases)

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

COMMON PRAYER :-

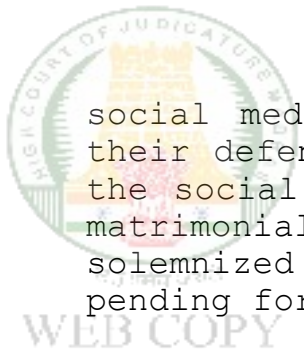
For Anticipatory Bail Crime No.11 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused 1 and 2, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 2 of Tamil Nadu Prohibition of Harassment of Woman
Act, Sections 354 (D), 506(i) & 294(b) of IPC and Section 67 IT Act,
in Crime No.11 of 2021 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the accused persons are
stalking the defacto complainant's social Media account and
consent to the same. Hence, the complaint.

3.The learned counsel for the petitioners submitted that it is
true that this petitioner has made certain abusing statements in the



social media. He would further submit that without prejudice to their defence, the petitioners are ready to tender their apology in the social media. The learned counsel further submits that it is a matrimonial dispute arising between the in-laws. The marriage was solemnized in the year 2017. They have separated and now issue is pending for mutual divorce.

4.The learned Additional Public Prosecutor submitted that the investigation is still pending.

5.Considering the relationship between the parties and the statements made on behalf of the petitioners that they are prepared to seek apology in the social media accepting their mistake and also the report filed by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, both the criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tuticorin, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners shall report before respondent police as and when required for interrogation;

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/09/2021

/ TRUE COPY /



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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 JUDICIAL MAGISTRATE NO.II,
TUTICORIN.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
- 3.THE INSPECTOR OF POLICE,
CYBER CRIME DIVISION, TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.13974 of 2021
Date :24/09/2021

SB/PN/SAR-I/04.10.2021/3P/5C