



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

Tuesday, the Fourteenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.14309 of 2021

MANIRAJ

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CYBER CRIME BRANCH,
DINDIGUL DISTRICT.
(CRIME NO. 8 OF 2021)

... RESPONDENT/COMPLAINANT

(*) AMENDED AS PER ORDER
OF THIS COURT DATED 15.11.2021
IN CRL.MP.(MD).NO.9688/2021
IN CRL OP(MD)NO.14309 OF 2021.

For Petitioner : M/S.VENKATESH.D Advocate
For Respondent : MR.R.MEENAKSHI SUNDARAM
ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATOR BAIL Under Sec. 438 Cr.P.C.

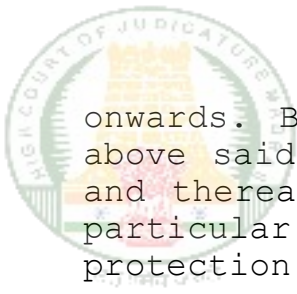
PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 8 OF 2021 ON THE
FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 13, 14(1) & 15 of the Protection of Children from Sexual offences Act, 2012 (POSCO Act) and Sections 67-A & 67-B of the Information Technology Act, 2008, in Crime No.8 of 2021 on the file of the respondent police and hence, seeks anticipatory bail.

2.This court, by order, dated 08.10.2021 granted the interim order of not to arrest the petitioner, after hearing the learned counsel appearing for the petitioner.

3.According to the petitioner, the alleged SIM card has been handed over to the co-worker called 'Rochen Tamang' and he was using the SIM card, which belonged to this petitioner from 2019



onwards. Because of the lock down imposed by the Government, the above said person went back to his native place namely Assam State and thereafter, his whereabouts could not be identified. When this particular defence has been taken by this petitioner, interim protection of not to arrest has been granted.

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4.It appears that the Face book ID has been created in the name of one Siva Lama. The mobile number as mentioned above belongs to this petitioner. As per the order of this court, the investigation was transferred to the Cyber Crime Police. Now the Dindigul District Crime Branch Police has filed a status report stating that a request has been made to the service provider with regard to sharing and location of the above said mobile number. Now the service providers has sent a reply stating that because of the lapse of time, they are not in a position to collect the information with regard to the location of the SIM Card. So because of the above said difficulties, they are not in a position to identify the location of the above said SIM card. Similarly, the details with regard to the Face book has also been sent to the concerned company. From the reply that has been given by the above company, it is seen that after 31st May 2021, there was no activity. Even though the account still exists, they are not in a position to fix the location of the SIM card for the purpose of completing the investigation process. So in such a situation, this matter can not be kept pending for longer period till the completion of the investigation process.

5.So this matter can be disposed of by granting anticipatory bail to the petitioner with certain conditions. Further perusal of the CD file also shows that some of the suspected persons have also been enquired. When there are *prima facie* materials have been collected to show that the above said Face book account, which has been opened by the Rochen Tamang, now his whereabouts is not traced out. As stated earlier, efforts have been taken by the Investigating Officer to visit Assam State and the suspected persons have also been enquired.

6.In view of the above facts and circumstances, this Court is inclined to **grant anticipatory bail** to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Fast Track Mahila Court, Dindigul and 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 learned Judge concerned and the petitioner shall appear before the respondent police once in a week at 10.00 am, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
14/12/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT,
DINDIGUL.
- 2 THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14309 of 2021
Date :14/12/2021

RS/VR/SAR2(20.12.2021) 3P-4C