



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

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15475 of 2021

Karpagavalli

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Cyber Crime Branch Police Station,
Tirunelveli District.
(Crime No.55 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Thangaraj S,
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.55 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

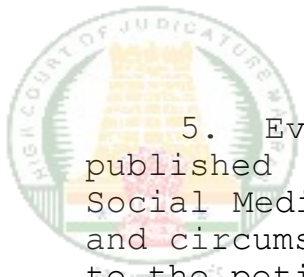
The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
292A of IPC and 67 of Information Technology Act, 2000 in Crime
No.55 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity,
the petitioner published the obscene photos of the defacto
complainant in the You Tube Channel. Therefore, the present case
came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and she has been falsely implicated
in this case. He further submitted that actually, the defacto
complainant has published the obscene photos of the petitioner in
the social Media. As a result, the marriage life of the petitioner
has been ruined.

4. Heard the learned Government Advocate appearing for the
respondent Police.

<https://hcservices.ecourts.gov.in/hcservices/>



5. Even though it is submitted that the petitioner has published the obscene photos of the defacto complainant in the Social Media, there is no material to prove the same. In such facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.

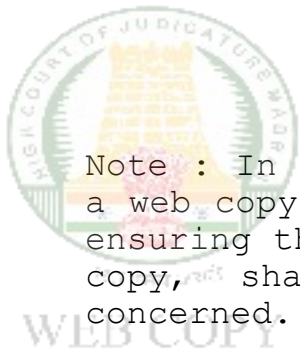
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

sd/-
20/10/2021

/ 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 NO.1, Tirunelveli District.
 2. -do-through The Chief Judicial Magistrate, Tirunelveli.
 3. The Inspector of Police,
Cyber Crime Branch Police Station,
Tirunelveli District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.THANGARAJ S Advocate SR.No.32169

ORDER
IN
CRL OP(MD) No.15475 of 2021
Date :20/10/2021

RD/JM/SAR-IV(26.10.2021) 3P 6C