



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

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17090 of 2021

Vijayaraj ... Petitioner/Sole Accused
Vs

State Rep.by
The Inspector of Police,
Colachel Police Station,
Kanniyakumari District.
Crime No.287 of 2020. ... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja,
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.287 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 507 and 509 of IPC and Section 67 of the Information Technology Act, 2000 and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002 in Crime No.287 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had sent obscene videos to the de-facto complainant's daughter. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner and the defacto complainant's daughter fell in love with each other and they had telephonic conversation for hours together. On noticing the same, the defacto complainant has lodged a false complaint as against the petitioner. He further submits that the petitioner has filed an undertaking affidavit before this Court stating that he will not give any disturbance or trouble to the defacto complainant's daughter in future.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submits that the petitioner has called the defacto complainant's daughter often through her Whatsapp number and he has passed obscene messages to her Whatsapp number.

5. It appears that this is the second application for anticipatory bail and the earlier application filed by the petitioner in Crl.O.P.(MD).No.11340 of 2021 was dismissed by this Court on 27.08.2021. However, considering the undertaking affidavit filed by the petitioner that he will not disturb the defacto complainant's daughter in future, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, 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 for a period of 30 days and thereafter, as and when required for interrogation.

[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/-

02/11/2021

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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.I,
NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17090 of 2021

Date :02/11/2021

SSB

MS/VR/SAR-2/12.11.2021/3P.5C