



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17853 of 2021

Kannaki

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.55 of 2020).

... Respondent/Complainant

For Petitioner : M/s.K.Pandiarajan, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

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

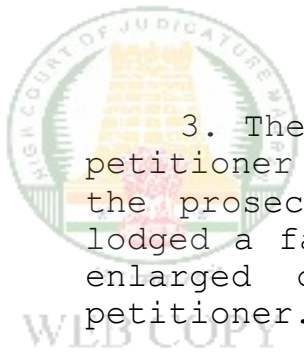
PRAYER :-

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/accused No.2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 292(A) I.P.C. and Section 67 of Information Technology Act, 2000, in Cr.No.55 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and the petitioner had involved in the tik-tok and uploaded some videos. In the meanwhile, on 29.07.2020 and 17.09.2020 the *defacto* complainant received a call as "Are you broker and mentioned as prostitute Bala". Besides, the petitioner sent a profile picture with one Theni Suganthi's photo has been mentioned and the above sentence has been repeatedly mentioned and hence, the *defacto* complainant received phone calls from number of persons. Hence, the present complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. Due to previous motive, the *defacto* complainant lodged a false case against the petitioner. Co-accused were already enlarged on bail. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is not yet completed. The petitioner is not having any previous case at his credit.

5. It is pertinent to note that in the application for anticipatory bail by the first accused, this Court in Crl.OP(MD) No.15475 of 2021 dated 20.10.2021 has specifically observed that since there are no materials to prove that the first accused has published the obscene photos of the *defacto* complainant, this Court was inclined to grant anticipatory bail to the first accused.

6. When this petition was taken up for enquiry, the learned Government Advocate (Crl.Side) would submit that there are no materials to prove the said charge as against the present petitioner also. More over, he would further submit that the *defacto* complainant was reported dead.

7. Considering the above facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, Tirunelveli 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
17/11/2021

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

PNM

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,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PANDIARAJAN.K Advocate SR.No.8282

ORDER
IN
CRL OP (MD) No.17853 of 2021
Date : 17/11/2021