



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18711 of 2021

Subash

... Petitioner/Accused No.Rank Not

Vs

The State rep.by
The Inspector of Police,
CCD III Police Station
Trichy District
(Crime No.19 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.PRAVEEN KUMAR,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

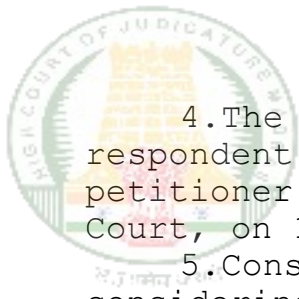
PRAYER :- For Bail in Crime No.19 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused (Rank not Known), who was arrested and remanded to judicial custody on 30.09.2021 for the offence punishable under Section 354 A (1) (iv) and 66 C, 67 of Information Technology (Amendment) Act, 2008, in Crime No.19 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife. Due to matrimonial dispute between them, they are living separately. Hence, the petitioner uploaded the mobile number of the mother of the defacto complainant in Locanto App. After that, she received calls from many unknown persons and they used to speak obscene words. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and he is in judicial custody from 30.09.2021. The maximum punishment provided for the offence under Section 354 A (1) (iv) IPC and the offence under the Information Technology (Amendmend) Act, 2008, levelled against the petitioner is 3 years and that he is also entitled to get statutory bail. Hence, he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the earlier bail application of the petitioner in Crl.OP(MD)No.17513 of 2021 was dismissed by this Court, on 12.11.2021 and investigation is yet to be completed.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 30.09.2021, and also taking note of the fact that the petitioner is also entitled to get statutory bail under Section 167 (2) Cr.P.C and that the petitioner is not having any previous case for similar or serious offences, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate Thuraiyur, Trichy District, and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

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

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/11/2021

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/ /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,
THURAIYUR, TRICHY DISTRICT.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY..

4 THE INSPECTOR OF POLICE
CCD III POLICE STATION,
TRICHY DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAVEEN KUMAR.R, Advocate SR.No.8592

ORDER

IN

CRL OP(MD) No.18711 of 2021

Date :29/11/2021

SA/VR/SAR.2/29.11.2021/3P/7C