



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4633 of 2022

VIJAYALAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AVALURPET POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.511 OF 2021)

[RESPONDENT]

For Petitioner : M/S.R.SASI KUMAR, Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 509 of IPC r/w Section 67 of Information Technology Act 2000, in Crime No.511 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner created obscene morphing photos as if the petitioner's husband and the defacto complainant's wife are being obscene and also threatened him that she will upload the same in the social media. Hence, the present case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent lady and she has not committed any such offences as alleged by the prosecution. He further submits that she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However, he admits that the petitioner and the defacto complainant are close relatives.

5. Submissions made by the learned counsels appearing on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Section 509 of IPC r/w Section 67 of Information Technology Act, 2000. The averments found in the First Information Report revealed the fact that due to family dispute, one of the family member, who is the petitioner herein committed the offences. Therefore, the question of tampering the witness does not arise.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, 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 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, Gingee, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 on every 10.00 a.m., for a period of fifteen (15) days 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/-

25/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AVALURPET POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO. 3003

CRL OP.4633/2022

Date :25/02/2022

RW 02/03/2022