



Crl.O.P.No.21240 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 354(D) of IPC r/w. Section 67 of Information Technology Act in Crime No.70 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant is a married women, had a love affair with A1. Even, after the marriage, she continued the same with A1. According to her, the petitioner had hacked the mobile phone of A1 and came in possession of her nude videos and photographs. After that, A3 called the *de-facto* complainant and demanded money from her and also threatened her that he would release the same to the social media. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is friend of A2. A2 is working under A1. A1 had illegal intimacy with the *de-facto* complainant. As she had a love



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affair with A1, she had sent her nude videos and photos to A1 and the same was leaked to the social media. He would further submit that the petitioner had friendship with A2, otherwise there is no specific overt act as against the petitioner and a false case has been foisted against the petitioner and he has not committed any offence as alleged by the prosecution and he is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there are totally three accused, in which the petitioner is arrayed as A3, who is a friend of A2. A1 and the *de-facto* complainant had video chat and during the video chat the *de-facto* complainant was in half nude. The petitioner had some how managed to take possession of the video chat from the mobile of A1 and then forwarded the same to the other accused persons. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Accordingly, 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 on which the order copy made ready, before the **Chief Metropolitan Magistrate Court - Egmore** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their



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identity.

[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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