



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice **K.MURALI SHANKAR**
CRL OP(MD). No.1259 of 2022

Manmathan

... Petitioner/ Sole Accused

Vs

State represented by its
The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.
(Crime No.1 of 2022)

... Respondent/Complainant

For Petitioner : Mr.V.Karuna,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

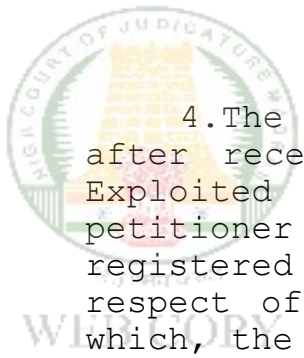
For Anticipatory Bail in Crime No.1 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 15(1) and 15(2) of Protection of Child from Sexual Offences Act, 2012, and Sections 67A and 67B of Information Technology Act, 2000, in Crime No.1 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner watched obscene porn videos in his mobile phone and uploaded the same. Hence, the complaint.

3.The learned counsel for the petitioner would submit that previously FIR came to be registered in Crime No.19 of 2020 for the very same case, that the petitioner was arrested on 08.11.2020, that he was released on bail by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, in Crl.M.P.No.47 of 2021 vide order dated 21.01.2021 and that subsequently for the very same offence, the present case came to be registered.



4.The learned Additional Public Prosecutor would submit that after receiving the report from the National Center for Missing Exploited Children (NCMEC) with regard to one SIM used by the petitioner in the cell phone in question, previous case came to be registered and thereafter another report came to be received in respect of the second SIM of the petitioner and on the basis of which, the present case came to be registered.

5.Considering the above facts and circumstances and also the facts that the petitioner has already been arrested and released on bail in the earlier case and that on the basis of the report received again from the NCMEC, the present case came to be registered, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Pattukottai, Thanjavur District, 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 thirty (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/-
25/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CSM

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,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PATTUKOTTAI,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1259 of 2022
Date :25/03/2022

SS/JM/SAR:II/01.04.2022 : 3P/5C