



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 11/04/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.6244 of 2022

J.Syed Mohamed

... Petitioner/Sole Accused

Vs

1. The State represented by,  
The Inspector of Police,  
Cyber Crime, Nagercoil,  
Kanyakumari District.  
(Crime No.2 of 2022).

... Respondent/Complainant

2. Sowmiya

... 2<sup>nd</sup> Respondent/Defacto Complainant

For Petitioner : Mr.Ajmal Khan, Senior Counsel  
for Mr.J.Sulthan Basha,  
Advocate.

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

For Intervenor : Mr.R.J.Karthick,  
Advocate.

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

PRAYER :-

For Bail in Crime No.2 of 2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 10.03.2022 for the offences punishable under Sections 354-A(1)(i), 354A(1)(ii) and 506(1) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 and Section 67 of Information Technology (Amendment) Act, 2008, in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were in love and at that time, they have taken a lot of photographs and videos in public and private places, that when the petitioner compelled the defacto complainant to convert into Islam for sake of their marriage, the defacto complainant refused the marriage proposal and relinquished the relationship with



the petitioner, due to that, the petitioner had given physical and mental torture to her, that on 12.02.2022, the petitioner was standing in front of the defacto complainant's home, for which, the defacto complainant's mother gave a complaint before the Commissioner of Police, Madurai, through Whatsapp and the same was registered, that during enquiry, the petitioner has assured that he does not make any indecent acts as against the defacto complainant in future for that assurance the complaint was dropped by the Anna Nagar Police and that thereafter also the petitioner tortured the defacto complainant and also sent obscene photographs and videos to the defacto complainant's mother email and posted the same in the social media. Hence, the present complaint.

3. The learned counsel for the intervenor would submit that the petitioner may be directed to file an affidavit that he will not disturb the defacto complainant anymore and he will not share or upload any photographs or videos involved in the defacto complainant in social media.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

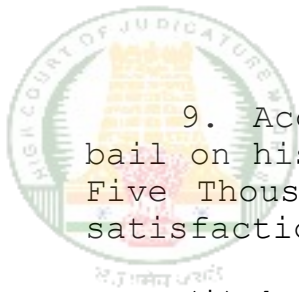
5. The learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner before the Jailor, District Jail, Nagercoil, wherein, the petitioner has specifically stated that he will not have any relationship or to continue his relationship with the defacto complainant and that he will not use or share any photograph or video involving the defacto complainant in any social media including Facebook, instagram, Whatsapp, etc. Undertaking affidavit filed by the petitioner is recorded.

6. At this juncture, the learned counsel for the intervenor would submit that the petitioner is to be directed to co-operate with the investigation to unlock the other online storage drives and for deleting the same and he has to produce the soft and hard copies of the photographs and videos for the purpose of deletion and on such undertaking, the petitioner may be released on bail.

7. The learned Additional Public Prosecutor would submit that as of now, photographs or videos involved in the defacto complainant has not been uploaded and the same are now in the storage drives and that the petitioner has to furnish the password to open the storage drives for deleting the photographs and videos available therein.

8. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 10.03.2022 and that the petitioner is not having any previous cases for similar offence or serious offence and also taking note of the undertaking affidavit filed by the petitioner, this Court is inclined to grant

<https://hcservices.courts.tn.nic.in/hcservices> petitioner subject to the following conditions:



9. 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 Additional Mahila Court, Nagercoil.

(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) In addition to the undertaking given by the petitioner in his affidavit, the petitioner is directed to co-operate with the respondent police and to disclose the password so as to enable them to open the storage drives and delete the photographs and videos therein and he has also to produce the soft and hard copies of the photographs and videos to the investigating officer and the investigating officer is directed to delete the same immediately;

(iii) 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;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial;

(vi) 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]***.

(vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
11/04/2022

/ TRUE COPY /

11/04/2022  
Sub-Assistant Registrar (C.S-II)  
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 ADDITIONAL MAHILA JUDGE,  
NAGERCOIL.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,  
CYBER CRIME, NAGERCOIL,  
KANYAKUMARI DISTRICT.

4. THE OFFICER-INCHARGE,  
SUB JAIL, NAGERCOIL.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-3237[I] dated  
11/04/2022 )

+1 CC to M/S.R.J.KARTHICK, Advocate (SR-3267(I), dated 12/04/2022)

ORDER

IN

CRL OP(MD) No.6244 of 2022

Date :11/04/2022

csm

USK/VR/SAR-II/11.04.2022/4P/8C