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CRL OP(MD). N



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

Date : 12.08.2022

PRESENT

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

CRL OP(MD) . No.10364 of 2022

Vishvanathan ... Petitioner/ (Rank Not Known)

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
(Crime No.6 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.K.Prakash,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

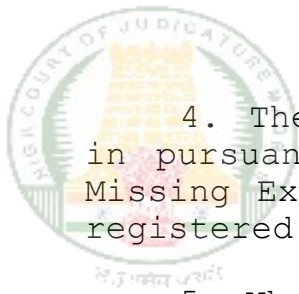
PRAYER :-For Anticipatory Bail in Crime No.6 of 2021 on the file of the Respondent police.

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 13, 14(1), 15(1) and 15(2) of Protection of Child from Sexual Offences Act, 2012, and Section 67(B) of Information Technology Act, 2000, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

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

3. 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.



4. The learned Additional Public Prosecutor would submit that in pursuance of the report received from the National Center for Missing Exploited Children (NCMEC), the above complaint came to be registered.

5. When the matter is taken up for hearing today (12.08.2022), the learned Additional Public Prosecutor would submit that investigation has already been completed and they are going to file charge sheet shortly and further submit that the petitioner is having no previous case for similar offence or any other serious offence.

6. Considering the above facts and circumstances and also the facts that investigation has already been completed and charge sheet is going to be filed shortly as stated by the learned Additional Public Prosecutor and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Mahila Court Trichy, Trichy 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 Additional Mahila Court, Trichy, daily at 10.30 a.m., on all working days until further orders.

[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 registered under Section 229-A IPC.

sd/-
12/08/2022

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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 JUDGE, MAHILA COURT,
TRICHY, TRICHY DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE JUDGE, ADDITIONAL MAHILA COURT,
TRICHY.

+1 CC to M/s.K.PRAKASH, Advocate (SR-8466[I] dated 12/08/2022)

ORDER
IN
CRL OP(MD) No.10364 of 2022
Date :12/08/2022

CSM
MK/VR/SAR.IV/16.08.2022/3P/6C