



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)
Reserved on : 15/09/2022
Pronounced On : 16/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.11002 of 2022

Reshma Haseen

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station Fort,
Trichy City, Trichy District
(Crime No.6 of 2022).

... Respondent/Complainant

Hafiz Reshma

... Petitioner/Intervener
(in Crl.M.P. (MD) No.10605/2022)

For Petitioner : M/s.Illanchezian.V, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.T.Elango. Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and Section 506 (i) IPC, in Crime No. 6 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner abused the defacto complainant and threatened to post the nude photos of the defacto complainant in the social media. A case in Crime No.6 of 2022, was registered against the petitioner.



3. On the side of the petitioner, it is stated that the petitioner and the defacto complainant are relatives. The petitioner is the wife of the uncle of the defacto complainant. The alleged occurrence is said to have taken place on 26.11.2021 and on 09.01.2022, but, the complaint was lodged only on 14.03.2022. The petitioner already filed a Domestic Violence case against the defacto complainant in D.V.C. No. 84 of 2022 before the Additional Mahila Judge, Trichy. Only as a counter blast, this false complaint was foisted against the petitioner. There was some misunderstanding between the defacto complainant's uncle and the petitioner, who are the husband and wife. The maternal uncle of the defacto complainant filed a case against the petitioner and the family dispute was converted into criminal case. The petitioner is having two children aged about 4 years and 7 years respectively. The petitioner has to take care of them and prayed the petitioner to be released on bail.

4. On the side of the intervenor, it is stated that the petitioner is running a Beauty Parlour. The defacto complainant used to help her. The petitioner was having illegal affairs. The defacto complainant informed about the same to her family members. To harass the defacto complainant, the petitioner sent defamatory message through mobile phone against the defacto complainant and threatened to broadcast the defacto complainant's nude photos in the social media prayed the petition to be dismissed.

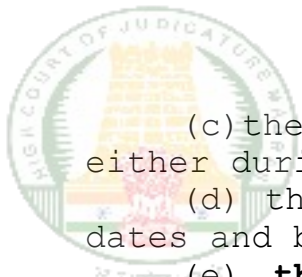
5. On the side of the prosecution, it is stated that the petitioner threatened the defacto complainant to post her nude photos in the Internet and prayed the petition to be dismissed.

6. Considering the nature of the offence and considering the fact that there is no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders;



(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) **the petitioner shall not disturb the defacto complainant and shall not circulate any photos or messages against the defacto complainant or her family members in the social media.**

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

16/09/2022

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

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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,
ADDITIONAL MAHILA COURT, TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION FORT,
TRICHY CITY, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11002 of 2022

Date : 16/09/2022