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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.14373 of 2022

K.Annasamy ... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Crime No. 269 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Thirumurugan T,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 269 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 506(i) of I.P.C and Section 67 of Information Technology Act, 2000, in Crime No.269 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that on 17.07.2022, at about 11.00 a.m, one Kasirajan stating the defacto complainant that some sort of obscene messages and photographs have been shared in the whats-app group. On further enquiry, it revealed that it was shared by the accused persons. When that was questioned by the defacto complainant, they abused him in filthy language and criminally intimidated. Over which, present case came to be registered.

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3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner herein is only admin. He is noway responsible for sharing the message, which contains obscene photographs of the defacto complainant.

4.But, however, he has also filed an undertaking affidavit that all the above said messages and photographs have been removed and he did not permit any further sharing of messages like that. The affidavit filed by the petitioner is placed on record.

5.Based upon the above said undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif Cum Judicial Magistrate, Sivagiri, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/08/2022

/ TRUE COPY /

08/09/2022
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGIRI.

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2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
   SIVAGIRI POLICE STATION,
   TENKASI DISTRICT.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-9061[I] dated 25/08/2022)

ORDER
IN
CRL OP(MD) No.14373 of 2022
Date :24/08/2022

dss
USK/VR/SAR-I/08.09.2022/3P/6C

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