



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP (MD) . No.15579 of 2022

WEB COPY

M.Subbiah

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
(Crime No. 3 of 2022).

... Respondent/Complainant

For Petitioner : M/s.GANGAI AMARAN.C, Advocate.

For Respondent : Mr.P.KOTTAI CHAMY, Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.3 of 2022 on the file of the Respondent police.

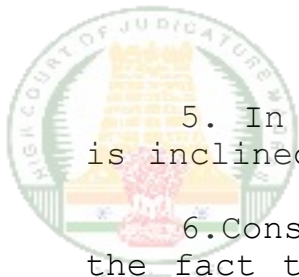
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 14.07.2022 for the alleged offences under Sections 67(B)(b) of Information Technology (Amendment) Act, 2008, in Crime No.3 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner frequently released the obscene phonographic pictures in his fact book id namely 'Subbiah Muthukaruppan'. Hence, the complaint.

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 this is the second bail application. Earlier application filed by the petitioner was dismissed by this Court, on 10.08.2022 in Crl.OP(MD)No.14361 of 2022 on the ground that serious allegation has been made against the petitioner. when the matter was came up for hearing on 29.08.2022, this Court has directed the petitioner to file an undertaking affidavit that he will not indulge in such activities in future. As per the direction of this Court, affidavit has also been filed. Further, no previous case is pending against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that in pursuance of the direction of this Court dated 29.08.2022, the petitioner has filed affidavit, this Court may consider the bail application of the petitioner.



5. In view of the affidavit filed by the petitioner, the Court is inclined to grant bail to the petitioner.

6. Considering the period of incarceration and also considering the fact that willingness of the petitioner to file an undertaking affidavit that he will not indulge in such activities in future, this Court is inclined to grant bail to the petitioner with stringent conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate Court, Palani, Dindigul District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

8. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-

02/09/2022

/ TRUE COPY /

02/09/2022

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 JUDICIAL MAGISTRATE, PALANI, DINDIGUL DISTRICT.

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

3 THE OFFICER INCHARGE, SUB JAIL, PALANI.

4 THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, PALANI, DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GANGAI AMARAN.C Advocate SR.No.9352

ORDER IN

CRL OP(MD) No.15579 of 2022

Date : 02/09/2022

DSS

SA/SVR/SAR.1/02.09.2022/2P/7C

<https://www.mhc.tn.gov.in/judis>