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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.15607 of 2022

1. C.Sarath Kumar

2. R.Kaliraj

... Petitioners/Accused No.2 & 3

Vs

1. State rep.by

The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

(Crime No.269 of 2022).

... Respondent/Complainant

(*) 2. Thalaimalai

... 2nd Respondent/Defacto
Complainant

(*) (R2-Suo Motu impleaded as per
Order of the Hon'ble Court
dated 30.08.22 in CrI.O.P.(MD)
No.15607/2022 by GIJ)

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (CrI.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 petitioners/A2 & A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b) and 506(i) IPC and Section 67 of Information Technology Act,
2000, in Cr.No.269 of 2022, seek anticipatory bail.



2.The case against the petitioners is that the petitioners had posted some obscene photographs of the defacto complainant in the Whatsapp group. Hence, the complaint.

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3.On the side of the petitioners, it is stated that due to some political motive, a false case was foisted against the petitioners. It is further stated that Al was granted anticipatory bail by this Court in Crl.O.P.(MD)No.14373 of 2022 on 24.08.2022 and prayed the petitioners to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that the petitioners had posted some obscene photographs of the defacto complainant in the Whatsapp group and prayed the petition to be dismissed.

5.Considering the nature of the offence and on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Sivagiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

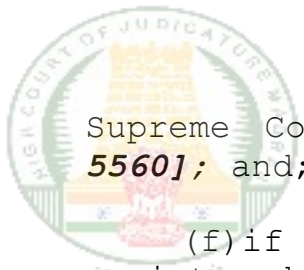
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

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

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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) 5560]**; and;

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

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

SJI

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.
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.THIRUMURUGAN.T Advocate SR.No.10257

ORDER
IN
CRL OP(MD) No.15607 of 2022
Date :15/09/2022