



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17658 of 2022

S.Karthikeyan,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
Cr.No.60/2022.

...Respondent/Complainant

For Petitioner : M/s.Prasanna Rajaduri A, Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 60/22 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 354(A), 354(C) and 506(ii) of IPC, in Crime No.60 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner were preparing for their second marriage. They both got engagement on 03.06.2022. During their marriage arrangements, there was voluntarily exchange of telephonical text and whatsapp messages and photos between them, which were unethical in nature. When the same was questioned, the petitioner threatened the defacto complainant and her family and further refused to marry her. Hence, this case.



3. The learned counsel for the petitioner submitted that the petitioner is working as an Architect. The petitioner voluntarily appeared before the respondent police on several occasion and handed over his two cell phones and his desktop computer along with its hard disk. Due to some personal motive, a false case has been foisted against the petitioner. The petitioner is an innocent and he did not commit any offence as alleged by the prosecution.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that two cell phone and Desktop Computer were recovered from the petitioner. He further submitted that the allegations against the petitioner is that he threatened the victim girl that he will upload the photos of the victim in the social media. He would further submitted that the investigation is transferred to Cyber Crime, Madurai and the investigation is still pending.

5. Considering the facts and circumstances of the case and also the nature of the allegations levelled as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate No.II, Madurai 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or bank pass book to ensure his identity.

[b] the petitioner shall report before the Cyber Crime, Madurai, daily at 10.30 a.m for the period of two months and thereafter, as and when required for interrogation.

[c] the petitioner shall not communicate the defacto complainant. The petitioner is also directed to file an affidavit to that effect before the trial Court.

[d] The two cell phones and the desktop computer of the petitioner are ordered to be kept under the custody of the respondent police. If any communication with regard to the photograph published by anyone in the social media, the anticipatory bail will be cancelled automatically.



[e]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f]the petitioner shall not abscond either during investigation or trial.

[g]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]**

[h]if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE OFFICER INCHARGE
CYBER CRIME, MADURAI.

+1 CC to M/s.A.PRASANNA RAJADURI, Advocate (SR-10942[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17658 of 2022
Date :06/10/2022

cp
PKP/SVR/SAR-2/11.10.2022/3P/7C

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