



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 23/03/2022

Delivered on : 31/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.20332 of 2021

Maniraja

... Petitioner/Accused
(Rank Not Known)

Vs

1.State rep.by
The Inspector of Police,
Cyber Crime Cell,
Sivagangai District.
(Crime No.Not Known of 2021+.

2.The Inspector of Police,
District Crime Branch,
Sivagangai District.

... Respondent/Complainant

3.Rathika

... 3rd Respondent

(R2 Suo Motu Impleaded as per
Order of this Hon'ble Court
Dated 20.12.2021 in Crl.OP (MD)
No.20332/2021 by GIJ)

For Petitioner : Mr.Venkatasubramaniyan.S,
Advocate.

For Respondents : Mr.Muthumanikkam,
Government Advocate (Crl.Side)
for R1 and R2.
: Mr.T.Ramasamy, for R3.

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

PRAYER :-

<https://hcservices.ecourts.gov.in/hcservices/>

For Anticipatory Bail in Crime No.24 of 2021 on the file of the
Respondent police.



ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 67 of Information Technology (Amendment) Act, 2008 and 506(1) IPC, in Crime No. 24 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that five women including the defacto complainant lodged complaints against the petitioner/accused stating that on 17.08.2021, the accused through his mobile number 95974 46460 recorded his voice message in the whatsapp social media and forwarded in 'A.Thekkoor Devar Peravai' group, in which lot of public and community persons are members, that the accused had abused the defacto complainant and other four women with unparliamentary words, commented upon their physique and impeaching their character and made defamatory remarks.

3.The petitioner's case is that he never committed any such offence as alleged by the prosecution, that he never posted any such kind of message, that he is having high reputation among the local people and that if he had been arrested, his family reputation will get damaged irreparably.

4.No doubt, at the time of filing of the above petition, FIR was not registered, but subsequently, FIR came to be registered in Crime No.24 of 2021 for the offence punishable under Section 506(1) IPC and Section 67(B) of Information Technology Act, 2008.

5.The learned counsel for the defacto complainant/intervenor would submit that recording and sending of voice messages for 50 times would show the mental condition and abnormal behavior of the petitioner/accused, that out of five women, three women are widows and he has made derogatory remarks against them, that the petitioner has already got three previous cases, one in crime No.15 of 2020 for the offence punishable under Sections 452, 294(b), 323, 336 and 506 (ii) IPC, second one in Crime No.93 of 2021 for the offences punishable under Sections 341, 294(b) and 307 IPC and third one in Crime No.3 of 2022 for the offence punishable under Sections 294(b), 323, 506(ii) IPC r/w 25(1-A) of Arms Act, that the petitioner was enlarged on bail by this Court in Crime No.93 of 2021, after he was arrested on 20.07.2021, he was directed to file an undertaking affidavit that he will not indulge any offence in future, that within five days from the date of order passed in Cr1.OP(MD)No.10718 of 2021 with respect to the Crime No.93 of 2021, the petitioner had indulged in the present case and failed to comply with the orders of this Court and that the petitioner was involved in two subsequent cases within short span of time.

6.The learned counsel for the intervenor has produced the copies of the orders passed in Cr1.OP(MD)No.2754 of 2020, dated 17.02.2020, Cr1.OP(MD)No.10718 & 6027 of 2021, dated 12.08.2021 with respect to Crime No.93 of 2021, this Court has directed the petitioner to file an undertaking affidavit that he will not indulge in any other offence in future before the concerned Judicial

Magistrate as well as before the concerned Police Station and that after filing undertaking affidavit, he was released on bail.

7.As rightly contended by the learned counsel for the intervenor, the petitioner has given a specific undertaking that he will not indulge in any other offence in future, in pursuance of the directions of this Court dated 12.08.2021 and the present FIR came to be registered for the offence alleged to have committed on 17.08.2021.

8.Considering the facts and circumstances of the case and also the nature and gravity of the offence alleged and also the fact that despite the specific undertaking given by him that he will not indulge in any such offence, FIR came to be registered for the offence committed on 17.08.2021 within five days from the date of order of this Court and that the investigation is pending as stated by the learned Government Advocate (Criminal Side), this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

9.Accordingly, the Criminal Original Petition is dismissed.

Sd/-

31/03/2022

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

DAS

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 INSPECTOR OF POLICE,
CYBER CRIME CELL, SIVAGANGAI DISTRICT.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20332 of 2021

Date :31/03/2022

SP/PN/SAR IV/11/04/2022/3P/4C