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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20026 of 2022

P.Karthikeyan

... Petitioner/Rank not known

Vs

The State rep.by,
The Inspector of Police,
Cyber Crime Police Station,
Madurai City.
in Cr No.106/2022..

... Respondent/Complainant

For Petitioner : M/s.Muthukamatchi V,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

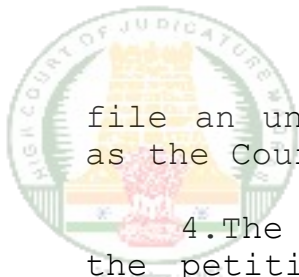
For Anticipatory Bail in Cr No.106/2022 on the file of the respondent police.

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 Act, 2008 and 509 IPC in Cr.No.106 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has uploaded the defacto complainant's photo in the Face Book and the same was abused by some persons. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is ready to



file an undertaking affidavit before the respondent police as the Court that he will not indulge in such activities in future.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner misused the photos of the defacto complainant by uploading it in Face Book. He would further submit that it is a serious nature of offence and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to file an undertaking affidavit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.I, Madurai, 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 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 petitioner 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 petitioner must file an undertaking affidavit stating that he will not indulge this kind of offence in future before the concerned Magistrate Court and send another copy to the concerned Police Station. If any violation is noticed after filing undertaking affidavit, anticipatory bail granted by this Court, shall stand automatically cancelled without reference to this Court;

(c) the petitioner shall report before the respondent police daily at 6.00 pm until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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



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

sd/-
11/11/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE NO. I, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.MUTHU KAMATCHI, Advocate (SR-12914[I] dated
14/11/2022)

ORDER
IN
CRL OP(MD) No.20026 of 2022
Date : 11/11/2022

RD/SSS/SAR- 2 (23/11/2022) 3P/6C