



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21701 of 2022

Abdul Roshan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Pudukottai All Women Police Station,
Thoothukudi District.
(Crime No.9/2022).

... Respondent/Complainant

For Petitioner : M/s.Micheal Sebastin B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.9/2022 on the file of the respondent police.

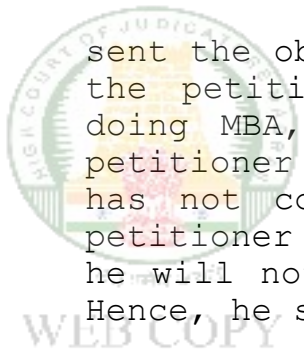
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 06.10.2022 for the offence punishable under Section 14(1) of POCSO Act and Section 67(B)(b) of Information Technology Act, 2000 in Crime No.9 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant Chinthamani, is that somebody had morphed her photo in an obscene manner and sent the photographs to her friends. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and that a false case has been preferred against him. He would further submit that the petitioner and the de-facto complainant's daughter are friends. The de-facto complainant suspecting that the petitioner was having a love affair with his daughter, had in order to severe the relationship, has given a false complaint as if the petitioner is the person, who had

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sent the obscene photos to her friends. He would further submit that the petitioner has completed B.E. Aero Nautical Engineering and doing MBA, course in Aviation. He would further submit that the petitioner being a friend of the de-facto complainant's daughter, he has not committed any offence. He would further submit that the petitioner is also willing to file an affidavit of undertaking that he will not interfere in the life of the victim girl, hereinafter. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is known to the de-facto complainant's daughter, had morphed her photo in obscene manner and posted it in the Instagram App and also forwarded the same to the friends and relatives of the victim girl. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 20.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial for Cases under POCSO Act, Thoothukudi District and on further conditions that:

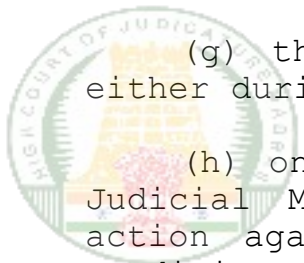
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Court/concerned Court may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c)After coming out on bail within a period of one week, the petitioner shall file an undertaking affidavit before the concerned Court that he will not interfere in the life of the victim girl in future.

(d) the petitioner shall report before the Inspector of Police, Cyber Crime Branch, Office of the Commissioner of Police, Palayamkottai, Tirunelveli District, daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

(e) the petitioner shall not commit any offences of similar nature;

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



(g) the petitioner shall not tamper with evidence or ss either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial 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 Special Court/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

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

sd/-

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL FOR CASES
UNDER POCSO ACT, THOOTHUKUDI DISTRICT.
- 2 THE OFFICER INCHARGE,
SUB JAIL, PERURANI, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PUDUKOTTAI ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CYBER CRIME BRANCH,
OFFICE OF THE COMMISSIONER OF POLICE,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT,

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-14523[I] dated 08/12/2022)

ORDER

IN

CRL OP(MD) No.21701 of 2022

Date :08/12/2022

SJI

MK/SSS/SAR II/08.12.2022/3P/7C

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