



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22155 of 2022

Obulivijay

...Petitioner/Accused
Rank Not Known

-vs-

State rep.by
The Inspector of Police,
Cyber Crime Police Station,
Madurai City.
(in Crime No.105 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.105 of 2022.

For Petitioner : Mr.A.Azhageson, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 66D and 67A of Information Technology (Amendment) Act r/w 354A and 354D IPC in Crime No.105 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant received an anonymous call stating that from the facebook ID viz., 'Rafia Fathila', the de-facto complainant's younger daughter Fathila's photos were posted along with the mobile number used by the de-facto complainant, viz., 8838141910, on the pretext "Free for ##X" and in furtherance, it is revealed to be a fake ID. The said post was vulgar, which affects the future of her younger daughter. Due to which, the de-facto complainant received many anonymous calls including obscene video calls. Hence, the complaint.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent. He would submit that the petitioner, on seeing the facebook post, had innocently contacted the de-facto complainant. Other than that, he has nothing to do with the alleged offence. He would submit that the petitioner has no previous case and he is ready to appear before the respondent for investigation.

4.The learned Government Advocate (Crl.side) would submit that the main accused have uploaded obscene contents of the daughter of the de-facto complainant in the facebook and have given the de-facto complainant's number. He would submit that the petitioner had contacted the de-facto complainant in her mobile phone and had enquired about the facebook post. He would submit that the petitioner is only called for the purpose of investigation.

5.Taking into consideration the facts and submissions and on perusing the materials available on record, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when enquired.

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

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

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

Sd/-

15/12/2022

/ TRUE COPY /

/12/2022

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

cmr

TO

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

ORDER

IN

CRL OP(MD) No.22155 of 2022

Date :15/12/2022

SP/SSS/SAR IV/21/12/2022/3P/5C