



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

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

CRL.O.P (MD) No.22997 of 2022

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Yuvaraj

... Petitioner/2nd Accused

-vs-

The State represented by
The Inspector of Police,
Veerapandi Police Station,
Theni District.
(in Cr.No.354 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.354 of 2022.

For Petitioner : Mr.S.Muniyandi
Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 354(A), 506(i) and 509 of IPC and Section 67(A) of Information Technology Act, 2000 in Crime No.354 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 due to previous enmity, the accused had created an obscene video using her photo and had circulated it to her friends and relatives and had also compelled her to satisfy their desires on the threat of uploading the video in the social media. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given, since the petitioner happens to be the friend of the main accused. He would also submit that the de-facto complainant was antagonised with the accused, since they arranged the love marriage of her adopted daughter, thereby, she had given the false complaint. He would also submit that the main accused in this case has been arrested and released on bail and the alleged mobile phone has been recovered and the petitioner has no previous case pending against



4.The learned Government Advocate (Crl.side) would submit that the de-facto complainant's daughter had eloped from the house of the de-facto complainant and got married to one Karthick. He would also submit that the accused have helped them in the marriage and thereby, there was a enmity between the de-facto complainant and the accused, due to which, the petitioner had circulated an obscene video of the de-facto complainant in the social media and the accused have also coerced the de-facto complainant to satisfy their lust. He would also submit that the main accused has been arrested and enlarged on bail. He would oppose to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Mahila Court (Judicial Magisterial Level), Theni, 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., until further orders.

[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]**.



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

sd/-
23/12/2022

/ TRUE COPY /

/01/2023

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

CMR

TO

1. THE MAHILA JUDGE
(JUDICIAL MAGISTERIAL LEVEL), THENI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22997 of 2022
Date :23/12/2022

USK/VR/SAR-IV/04.01.2023/3P/5C