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Crl.O.P.No.5187 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 324, 354C, 506(i) of IPC and Section 66(E) of the Information Technology Act 2000, in Crime No.3 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant R.Rooba is that earlier there was a dispute between her husband Ravi and the accused Ganesan and another accused Manikandan in respect of which, her husband has given a complaint on 21.01.2023 before the Inspector of Police, Omalur Police Station, Salem and a case in Crime No.64 of 2023 has been registered for the offences punishable under Sections 294(b), 342, 324 and 506(ii) of IPC.

3. The further allegation is that during the year 2016, there was a relationship between the de facto complainant and the first petitioner/A1



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Manikandan, at that time, A1 had taken obscene videos/photographs of the de facto complainant. Due to dispute between her husband and A1, for the past two years, A1 had threatened the de facto complainant that it would be uploaded in the Social Media viz., Facebook, Youtube and Whatsapp. Hence the complaint.

4. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. She would further submit that admittedly, the de facto complainant's husband and the first petitioner are pangalis and there was a property dispute between them. Earlier, the husband of the de facto complainant had given a complaint against the petitioners on 21.01.2023 and a case in Crime No.64 of 2023 was registered for the offences punishable under Sections 294(b), 342, 324 and 506(ii) of IPC and the co-accused was granted anticipatory bail by the learned Principal District and Sessions Judge, Salem and antagonized by the same, immediately on the third day, the de facto complainant has given a complaint as if there was a relationship between the first petitioner and



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her few years back and that the first petitioner had threatened her that he will upload the obscene videos/photographs in social media. She would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on them. Hence, she prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal side) would submit that the first petitioner was in relationship with the de facto complainant in the year 2016. During such time, he had taken some obscene videos/photographs and later on account of family dispute/property dispute, he had threatened the de facto complainant that he will upload the same in Social Media. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the entire materials available on record including the FIR in Crime No.3 of 2023 dated 24.01.2023 registered by the Inspector of Police, All Women Police Station, Omalur Taluk, Salem District and the FIR in Crime No.64 of 2023 dated



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21.01.2023 registered by the Inspector of Police, Omalur Police Station,
Salem.

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7. Taking into consideration the facts and circumstances of the case, the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready before the **learned Judicial Magistrate, Omalur**, on condition that **each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:



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[a] the petitioners 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 first petitioner/A1 shall report before the respondent police everyday at 10.30 a.m., until further orders. The second petitioner/A2 shall stay at Chennai and report before the Flower Bazaar Police Station, Chennai, every day at 10.30 a.m., for a period of two weeks and thereafter report before the respondent Police every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR
can be registered under Section 229A IPC.

17.03.2023

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