



Crl.O.P.No.5433 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 354C, 354D of IPC, 67 and 67A of Information Technology Act, 2000, in Crime No.3 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Bhuvaneshwari is that the accused are known to them, since the mother of the accused was a Tailor and taking advantage of the relationship the accused had taken photographs of her daughter and uploaded in Instagram in an obscene manner and threatened the victim girl. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been registered against them. He would further submit that the fact remains that there was a friendship between the second petitioner and the daughter of the



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defacto complainant. During such time, they have taken photographs and later it came to the knowledge of the defacto complainant and she asked them to break the relationship. She has given a false complaint as if the petitioners have threatened the daughter of the defacto complainant by uploading photographs in the social media. He would further submit that the petitioners have filed an affidavit of undertaking before this Court stating that they would not interfere in the life of the victim and the defacto complainant and they have also blocked the instagram page. He would further submit that the mobile phones are used by the petitioners have also been handed over to the respondent police through their parents. He would further submit that the petitioners are prepared to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that as per the defacto complainant/Bhuvaneshwari is that the accused are known to them since the mother of the accused was a Tailor and taking advantage of the



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relationship the accused had taken photographs of her daughter and uploaded in Instagram in an obscene manner and threatened the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides and also the affidavit of undertaking filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 III, Tiruppur**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with two sureties each for a like



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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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall stay at Chennai and report before the Soundarapandiyanar Police Station, T.Nagar everyday 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



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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.

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