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Crl.O.P.No.6560 of 2023

Crl.O.P.No.6560 of 2023

and

Crl.M.P.No.4882 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 507 and 506(i) of IPC and Section 67 of the Information Technology Act, 2000, in Crime No.53 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant R.Ponmani, who is aged about 22 years is that during the year 2018, she was studying in College at Coimbatore for five months. While studying in Coimbatore, she had gone to the park and at that time, the petitioner/accused, who is from her neighbouring village, had come to the park and had introduced himself as a person known to her father, had taken selfie with her and also taken few photographs in his Cell Phone. Thereafter, the de-facto complainant had gone to the College, the petitioner/accused had attempted to contact her over Cell Phone several times and later, she came to know that several criminal cases are pending against him. Thereafter, she had gone to study in Singapore and returned



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from Singapore after three years. During such time, the petitioner/accused had approached the father of the de-facto complainant and compelled him to give his daughter in marriage to him and if he does not engage, he would splash acid on the de-facto complainant and also do away with the entire family members. While so, on 17.02.2023, when the de-facto complainant along with her family was returning from her School after attending School Annual Function, the petitioner/accused waylaid the de-facto complainant's car and told her that he will splash acid on her and do away with the entire family members. Thereafter, on 10.03.2023, at about 9.30 a.m., the petitioner/accused had threatened her fiance's relatives and also morphed her photographs along with him and uploaded the same in Social Media. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the fact remains that there was a love affair between the petitioner and the de-facto complainant for some time during 2018. Later, due to the intervention of



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the family members of the de-facto complainant, she has severed the relationship with him and she has given a false complaint. He further submitted that the petitioner has now filed an Affidavit of Undertaking before this Court that he will not interfere with the life of the de-facto complainant henceforth and that he had also handed over it to the learned counsel for the intervenor. He also submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner/accused has befriended with the de-facto complainant, had taken photographs with her, morphed her photographs along with him and uploaded the same in Social Media. He further submitted that the petitioner/accused had also threatened the de-facto complainant that he will splash acid on her and also do away with the entire family members. He further submitted that the petitioner/accused has got 10 previous cases registered against him



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before the very same respondent police station. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Mr.R.Vijayaragavan, learned counsel for the intervenor submitted that the de-facto complainant/intervenor without knowing the background of the petitioner/accused, had spoken to the petitioner/accused and made a friendship with the petitioner/accused and taking advantage of the same, the petitioner/accused had taken photographs with her, morphed the same and had approached the father of the de-facto complainant and compelled him to give his daughter in marriage to him. On refusal of the father of the de-facto complainant, the petitioner/accused had threatened the de-facto complainant and her entire family members and also sent morphed photographs to the de-facto complainant's cell phone and her family members. Hence, he objects for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent and the learned counsel for the intervenor. I have perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Vedaranyam**, on condition that **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



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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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall file an Affidavit of Undertaking before the learned Magistrate concerned at the time of executing the bail bond, that he will not interfere with/disturb the life of the de-facto complainant and the family affairs of the de-facto complainant hereinafter.

[c] the petitioner shall stay at Tiruchirappalli and report before the Inspector of Police, Palakarai Police Station, Sangillyandapuram, Tiruchirappalli every day at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter report before the Inspector of Police, Nagapattinam Town Police Station, Nagapattinam on every Saturday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police station until further orders.

[d] the petitioner shall not tamper with evidence or



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witness either during investigation or trial.

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

[f] 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]**.

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

9. This Criminal Original Petition is ordered accordingly.

Consequently, connected Criminal Miscellaneous Petition is closed.

11.04.2023

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