



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

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

CRL.O.P(MD)No.1957 of 2023

WEB COPY

D.Esaivani

...Petitioner/Accused (Single)

-vs-

The State represented by
The Inspector of Police,
Cyber Crime Police Station,
Tenkasi District.
(in Cr.No.19 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 her arrest by the respondent Police with respect to Cr.No.19 of 2022.

For Petitioner : Mr.R.Anand, Advocate

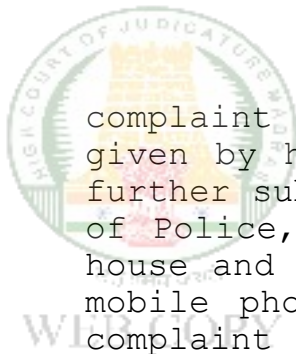
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 354 IPC and 66, 66C of Information Technology Act in Crime No.19 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Ramya is that she is married before 9 years and her husband is working in Kerala and she has got 2 female children and she is engaged in the business of making Beedies and she is using the mobile phone No.7810932272. On 28.06.2022 the accused created a bogus face book account in the name of the defacto complainant wherein he has posted her photos, her husband's photo and her relative's photo in a obscene manner and unparliamentary words were written in that photos and on seeing photos and reading the words, problem arose between the defacto complainant and her husband. A complaint was given and the same was enquired in CSR No.454 of 2022 and the case was registered.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent person. He would also submit that a false



complaint has been registered against her based on the information given by her husband with whom she is in inimical terms. He would further submit that earlier on 15.02.2022 one G.Muthu, Sub Inspector of Police, Alwarkurichi along with his men had trespassed into the house and had without any authority of law had taken a laptop and 2 mobile phones in respect of which the petitioner had preferred a complaint before the Director General of Police on 10.03.2022 and since no action was taken on the complaint, the petitioner had earlier preferred a writ petition in W.P.(MD)No.4916 of 2022 seeking for a direction to the Director General of Police to take action on the complaint dated 10.03.2022 and this Court had disposed of the said Writ Petition with a direction to the Director General of Police to dispose of the petition within a period of 2 weeks. While so, on the instigation of her husband and using the mobile phones and laptop which have been taken, a false case has been foisted as against the petitioner. He would further submit that it is a case of matrimonial dispute and that has been exaggerated and a false complaint has been given by the defacto complainant using the influence of the respondent. He would further submit that the petitioner is ready to cooperate with the respondent for investigation and ready to abide by any condition that may be imposed by this Court on her.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has created a false account in the name of the defacto complainant and uploaded obscene photos of the defacto complainant and thereby the defacto complainant was put to severe mental trauma. He opposes for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tenkasi District, 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, every Saturday at 10.30 am until further orders.



[c] the petitioner shall not tamper with evidence or 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.

sd/-

02/02/2023

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

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TO

1. THE JUDICIAL MAGISTRATE, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELIL.
- 3 THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1957 of 2023

Date : 02/02/2023

RK/CG/SAR-1(08/02/2023) 3P 5C