



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

PRESENT

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

CRL.O.P(MD)No.2957 of 2023

Nallasiva

...Petitioner/ Sole Accused

-vs-

The State represented by
The Inspector of Police,
CCD-III Police Station,
Pudukottai District.
(in Cr.No.1 of 2023)

...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.1 of 2023.

For Petitioner
For Respondent

: Mr.D.Rameshkumar
: 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 Sections 469 and 506(i) of IPC r/w 66(c) and 66(d) of Information Technologies Act, in Crime No.1 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner is the husband of the de-facto complainant and due to misunderstanding between them, they are living separately. The further allegation is that the petitioner has taken the profile picture of the de-facto complainant from her whatsapp and used the said photo in a divorce matrimonial app, as if the de-facto complainant searching for a bridegroom. 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 due to a matrimonial dispute. He would also submit that petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the husband of the de-facto complainant and due to misunderstanding between them, they are living separately. The further allegation is that the petitioner has taken the profile



picture of the de-facto complainant from her whatsapp and the said photo in a divorce matrimonial app, as if the de-facto complainant searching for a bridegroom. He would oppose for grant of 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 Judicial Magistrate No.II, Pudukottai, 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]**.

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

sd/-

15/02/2023

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

cmr

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To

1.The Judicial Magistrate No.II, Pudukottai.

2. -do-Through The Chief Judicial Magistrate, Pudukkottai.

3.The Inspector of Police,
CCD-III Police Station,
Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP (MD) No.2957 of 2023

Date :15/02/2023

Rk/VS/SAR-I (22/02/2023) 3P 5C