



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3438 of 2023

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S.Pradeep

... Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Cyber Crime Division-III,
Tirunelveli District.
(in Cr.No.23 of 2022)

... Respondent/Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.23 of 2022 on the file of the
Respondent Police.

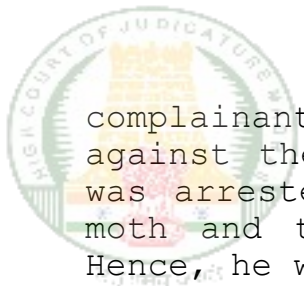
For Petitioner	: Mr.I.PINAYGASH, Advocate
For Respondent	: Mr.T.SENTHIL KUMAR Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2023 for the offences punishable under Sections 66, 67 and 67A of Information Technology Act, 2000 and Section 354D of IPC in Crime No.23 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, XXX, is that the accused person has taken her photo from Instagram and thereafter, morphed her photo along with a nude photo and sent it to her and threatened her to come on video call and thereafter, he had also uploaded a nude photo of her in the social media. When the de-facto complainant had blocked her number, the accused had harassed her in social media from different numbers. Hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that there was a relationship between the petitioner and the de-facto complainant in social media. Subsequently, there was a misunderstanding and they were separated and the de-facto complainant hearing that the petitioner will use the private call between the petitioner and the de-facto



complainant, the de-facto complainant has given a false statement against the petitioner. He would also submit that the petitioner was arrested on 24.01.2023 and he is in custody for more than one month and the phone has also been recovered from the petitioner. Hence, he would seek for bail.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was having contact with the de-facto complainant through social media and later, he had misused the contact and had sent obscene photo of her to her phone by morphing her face into nude photos and he was also demanded money from the de-facto complainant and he would object for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 24.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.1, Tirunelveli, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 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];



CRL.O.P(MD)



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(h) if the accused thereafter abscond, a fresh FIF be registered under Section 229A IPC.

sd/-

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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 NO.I,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
CYBER CRIME DIVISION-III,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PINAYGASH I Advocate SR.No.2689

ORDER

IN

CRL OP (MD) No.3438 of 2023

Date :22/02/2023

SA/SBN/SAR. /22.02.2023/3P/7C