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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3774 of 2023

Kesavan ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.17/2023).. ... Respondent/Complainant

For Petitioner : S.M.Sanjay

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 354(D), 294(b), 506(i) I.P.C and Section 4(c) of TNPHW Act, Section 67(A) of Information Technology Act, in Crime No.17 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Palanivel is that the petitioner had uploaded obscene photographs of her daughter and her neighbour's daughters, with bad comments in the Face-book. When the same was questioned, the petitioner had abused them in filthy language. Hence, the complaint.

<https://www.mhc.tn.gov.in/judis> 3. The learned counsel for the petitioner submitted that there is a dispute between the petitioner and the defacto



complainant. The family members of the defacto complainant also assaulted the petitioner, over which, he also filed a complaint against the defacto complainant's family members in Crime No.18 of 2023. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner had uploaded the defacto complainant's daughter and her neighbour's daughters obscene photos in the Face-book, with bad comments. When the same was questioned, the petitioner had abused them in filthy language. The respondent Police has also seized the mobile phone of the petitioner. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Devakottai**, 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 the 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]**; and;



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

sd/-

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/03/2023

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

TO

1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI
DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to S.M.SANJAY Advocate SR.No.3099

ORDER

IN

CRL OP (MD) No.3774 of 2023

Date : 27/02/2023

MGJ/SAR IV/07/03/2023/3P/6C