



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.03.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.3931 of 2023

WEB COPY

1.Louis Pushparaj
2.L.Soosai Mary ...Petitioners/Accused 1 & 2
-vs-

The State represented by
The Inspector of Police,
All Women Police Station-Cantonment,
Trichy District.
(in Cr.No.17 of 2022) ...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.17 of 2022 on the file of the Respondent Police.

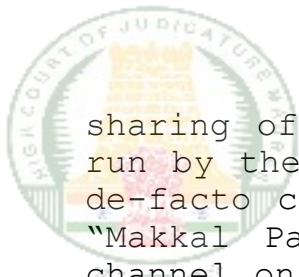
For Petitioners : Mr.R.Saravana Kumar
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 14.01.2023 for the offences punishable under Sections 294 (b), 387, 34 and 506(i) of IPC and Sections 67, 67(A) and 67(E) of Information Technology Act r/w Section 4 of TNPHW Act in Crime No.17 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to the dispute with regard to the sharing of remuneration received from the YouTube, the accused persons have abused the d-facto complainant and also threatened her with dire consequences. The further allegation is that the accused persons have sent obscene photos of the de-facto complainant and her daughter with filthy messages in social media and further they have also threatened the de-facto complainant that if money is not given to them, they will leak further photos in the social media. Hence, the complaint.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case based on a dispute with regard to the



sharing of remuneration given by the YouTube for a YouTube channel run by them. He would further submit that the petitioners and the de-facto complainant were running a YouTube channel in the name of "Makkal Parvai" and the de-facto complainant wanted to take the channel on their own and thereby, they have given a false complaint against the petitioners, on which, the petitioners were arrested and remanded to judicial custody on 14.01.2023. He would also submit that mobile phone and other gadgets have also been seized by the respondent Police and major part of the investigation is also over. Hence, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the petitioner and the de-facto complainant are known to each other, the petitioners have sent obscene photos of the de-facto complainant and her daughter with filthy messages in social media and further they have also threatened the de-facto complainant that if money is not given to them, they will leak further photos in the social media. Hence, he would object for bail to the petitioners.

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 petitioners are in judicial custody from 14.01.2023, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Trichy District, 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioners 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 petitioners 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



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

sd/-
01/03/2023

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01/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION-CANTONMENT,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP (MD) No.3931 of 2023
Date : 01/03/2023

MGJ/SSS/SAR II/01/03/2023/3P/6C