



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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4377 of 2023

Nirmala @ Dhanalakshmi @ Nila

... Petitioner/Accused No.5

Vs

The State rep. by,
The Inspector of Police,
All Women Police Station Cantonment,
Trichy District.
Crime No. 17 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Shankar Ganesh R,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 05.02.2023 for the offence punishable under Sections 294 (b), 387, 506(i) and 34 of IPC and Sections, 67, 67(A) and 67(E) of Information Technology Act r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022 in Crime No.17 of 2022 on the file of the respondent police, seeks 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 de-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,

<https://www.hc.madras.in/>



3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and she has 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 petitioner along with other accused 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 petitioner, on which, the petitioner was arrested and remanded to judicial custody on 05.02.2023. 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. He would further submit that A1 and A2 have already granted bail by this Court in Crl.O.P.(MD)No.3931 of 2023, dated 01.03.2023 and 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 petitioner along with other accused 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 petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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, Additional Mahila Court, Tiruchirappalli, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 05.30 P.M, for a period of four weeks and thereafter, as and when required for interrogation.

[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
<https://www.tn.gov.in/> 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 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].

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

sd/-
07/03/2023

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

SJI

TO

1. The Judicial Magistrate,
Additional Mahila Court, Tiruchirappalli.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Officer In-Charge,
Special Prison for Women, 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.

+1 CC to M/s.SHANKAR GANESH R, Advocate (SR-3566[I] dated 07/03/2023)

ORDER
IN
CRL OP(MD) No.4377 of 2023
Date : 07/03/2023

NA/SBN/SAR/07.03.2023/3P/7C

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