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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2023

PRESENT

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

CRL OP(MD) . No.6643 of 2023

Xavier @ J.Lourdu Xavier

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station, Fort,
Trichy City, Trichy.
(Crime No.2/2023).

... Respondent/Complainant

For Petitioner : MR.G.Sethu Surendhar, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.2/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under section 67(A) of Information Technology Act, 2000 and section 506(i) of IPC in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused used to talk with the defacto complainant and he had shown the divorce documents to her. After that the defacto complainant had married the first accused on 17.01.2023 at Sorna Bhairava temple in Periyakadai Road, Trichy. Thereafter the first accused argued with the defacto complainant about her income and asked her to send money through paytm and G.pay. Further on 16.03.2023 he went with 2 ½ sovereigns of gold chain and Rs.65,000/- from the house of the defacto complainant. On 18.03.2023 and 22.03.2023 the first accused had sent obscene photos and videos to her which were taken without her consent. When the same was questioned, the petitioner herein abused her and also threatened her with dire consequences, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A3. He is none other than the own brother of the first accused. Even according to the case of prosecution when the victim had informed the same to the second accused the petitioner herein only threatened her. Except this no other allegation has been levelled against the petitioner. Taking into consideration all the above facts, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 cum Additional Mahila Court, Tiruchirapalli 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 daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

[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/-

11/04/2023

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/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE CUM ADDITIONAL MAHILA JUDGE,
TIRUCHIRAPALLI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TRICHY CITY, TRICHY.

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

ORDER

IN

CRL OP(MD) No.6643 of 2023

Date :11/04/2023

RS/CG/SAR-3(17.04.2023) 3P 5C