



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

Date : 18/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.7032 of 2023

WEB COPY

1. Vignesh
2. Kayalvizhi
3. Pounthai

... Petitioners / Accused No.1 to 3

Vs

State rep by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
(Crime No.96 of 2023)

... Respondent / Complainant

For Petitioners : M/s.Karuppsamy Pandiyan.G, 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. 96/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 14 (1), 15(2) of POCSO Act and sections 67,67B of Information Technology Act in Crime No. 96 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that A1 and A2 said to have sent a obscene whatsapp message to the defacto complainant's mobile phone. Further A2 had taken the video of the defacto complainant while she was alone and had circulated the same to various cell phone, hence the case.

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

4. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the



petitioners , with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for POCSO Act Cases, Virudhunagar at Srivilliputhur on condition that the petitioners shall 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 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 petitioners 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 first petitioner alone shall file an undertaking affidavit before the respondent police that he will not indulge in similar type of activities again and float any message in the social media and further the first petitioner alone shall report before the respondent police daily at 10.30 am., and 5.30 pm., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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 SCW 5560].

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

sd/-
18/04/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judge,
Special Court for POCSO Act Cases,
Virudhunagar at Srivilliputhur.

2.The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KARUPPSAMY PANDIYAN.G, Advocate (SR-6002[I] dated
18/04/2023)

ORDER

IN

CRL OP(MD) No.7032 of 2023

Date :18/04/2023

ED/VR/SAR-4 (24/04/2023) 3P 5C