



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

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI  
CRL OP(MD). No.8488 of 2023

WEB COPY

Parameswaran

... Petitioner/Single Accused

Vs

The State rep.by,  
The Inspector of Police,  
CCD III, (Cyber Crime Police Station).  
Tenkasi. Cr.No.36/2022.

... Respondent/Complainant

For Petitioner : M/s.. Vivekananthan.R,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 36/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

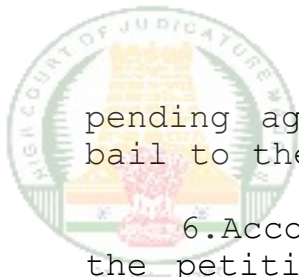
The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.03.2023 for the offences punishable under Sections 354 of IPC and section 66 C of I.T Act @ 354,292(2)(d) of IPC and section 66 of I.T.Act in Crime No.36 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein created fake Instagram ID in the name of the defacto complainant and posted that she is a call girl, hence the defacto complainant received messages from several persons. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and the fake ID was not created from the phone of the petitioner. Further it is stated that the petitioner is in judicial custody from 30.03.2023, hence he seeks bail.

4.On the side of the prosecution, it is stated that the petitioner herein created fake Instagram ID in the name of the defacto complainant who is a unmarried girl and posted that she is a call girl. Further phone of the accused has been seized and sent to laboratory for analysis.

5.Considering the facts and circumstances of the case and also  
<https://www.mca.gov.in/fdis> incarceration and also the fact that no previous case is



pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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, Thenkasi

[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 5.30 P.M., until further orders.

[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 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 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/-

04/05/2023

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04/05/2023

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

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TO

1. THE JUDICIAL MAGISTRATE, THENKASI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.

3. THE OFFICER IN CHARGE,  
SUB JAIL, TENKASI.

4 THE INSPECTOR OF POLICE,  
CCD III, (CYBER CRIME POLICE STATION).  
TENKASI.

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

ORDER

IN

CRL OP(MD) No.8488 of 2023

Date :04/05/2023

RK/CG/SAR-(04/05/2023) 4P/6C