



CRL OP(MD). No.23303 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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P.N.Gnana Muthu Ganesh

... Petitioner/ Accused

Vs

The Inspector of Police,
Cyber Crime Police Station,
Tirunelveli City,
Crime No.22/2023.

... Respondent/Complainant

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

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

PRAYER :-

For Anticipatory Bail in Crime No.22/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 354 IPC and 66, 66D of IT



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amendment Act, 2008, in Crime No.22 of 2023 on the file of the respondent police,
seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein has created a fake account in the social media and in that he posts the pictures of the defacto complainant portraying the complainant in a bad manner with an intention to outrage her modesty. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution and her name has been falsely implicated in this case and hence he seeks anticipatory to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that already that there was a family dispute between the parties and that the petitioner herein has created a fake account in the social media and posted the pictures of the defacto complainant portraying the complainant in a bad manner with an intention to outrage her modesty and the investigation of the case is pending.

5. Taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others*



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reported in (2009)4 SCC 437 and *Joginder Kumar vs. State of U.P. and others*

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reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residents at Thirunelveli District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Thirunelveli, Thirunelveli District on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 :



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[a] the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
21/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI, TIRUNELVELI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION,
TIRUNELVELI CITY

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

+1 CC to M/s.R.MUTHURAMALINGAM, Advocate (SR-18202[I] dated
21/12/2023)

ORDER
IN

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Date :21/12/2023

SS/VR/SAR- /04/01/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023