



Crl.O.P.No.13858 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 417, 506(i) of IPC and Under Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Under Section 67 of the Information Technology Act, 2000 in Crime No.09 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant and the petitioner had acquaintance while studying at Kongu Polytechnic at Erode and during the subsistence of the relationship, the defacto complainant claims to have sent her nude photographs to the petitioner through whatsapp on the request of the petitioner and later the petitioner had refused to marry her. When she had insisted for marriage, the petitioner had refused to marry her and had threatened her with dire consequences that he would upload the said photographs in the internet. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent. He is a law abiding citizen and had not involved in any



offence as alleged by the respondent police. He will not abscond and would co-operate with the investigation and trial. He is ready to abide by any condition that may be imposed by this Court. He is ready to furnish solvent sureties in the event of his release. He is the only breadwinner of his family. If he is arrested by the respondent police he would be put to irreparable loss and hardship. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner. It seems that there was a love affair between the petitioner and the defacto complainant. The petitioner made a false promise and subsequently refused to marry her. Already there was a complaint given by the defacto complainant was enquired.

5.Defacto complainant submits that she was not satisfied with the earlier investigation.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



7.Taking into consideration the facts and circumstances of the case, this

Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is directed 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, Kangayam, on condition that the petitioner s 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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



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conditions have been imposed and the petitioner released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and; (e) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9.Considering the nature of dispute between the parties, the matter is referred to mediation in order to resolve the dispute amicably between the petitioner and the defacto complainant. Therefore, both the parties are directed to appear before the Mediation Centre at Tiruppur on 24.06.2024.

14.06.2024

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