



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.05.2024

PRESENT

THE HON'BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7473 of 2024

Mehaboob Shalisha

... Petitioner/ 1st Accused

Vs

The Inspector of Police,
Cyber Crime Police Station (CCD-III),
Thirunelveli City.
(In Crime No.3 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.S.Poornachandran, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side)

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

PRAYER :-

For Bail in Crime No.3 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / first accused, who was arrested and remanded to judicial custody on 07.05.2024, for the offence under Sections 324 & 506(2) of IPC and Sections 11(4), 11(5) & 12 of the Protection of Children From Sexual Offences Act, 2012, and Section 66 of the Information Technology (Amendment) Act, 2008, in

<https://www.judiciary.gov.in/judiciary> Crime No.3 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner is said to have sent an obscene message to the defacto complainant's daughter. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 07.05.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Sessions Judge, Special Court for POCSO Cases, Tirunelveli and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 a.m,

until further orders.



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- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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 is 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/-
23/05/2024

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23/05/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Sessions Judge, Special Court for POCSO Cases, Tirunelveli.



2.The Inspector of Police,
Cyber Crime Police Station (CCD-III),
Tirunelveli City.

3.The Superintendent, Central Prison, Palayamkottai.

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

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-5727[I] dated 23/05/2024)

ORDER
IN
CRL OP(MD) No.7473 of 2024
Date :23/05/2024

MK/23.05.2024 4P 6C

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