



CRL OP(MD).No.8684 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8684 of 2024

and

CrI.M.P.(MD)No.5897 of 2024

in

CrI.O.P.(MD)No.1142 of 2024

CrI.O.P.(MD)No.8684 of 2024

1. M.Nesamathabalan
2. Esthar Densing Vasigan

... Petitioners/ Accused 3 & 5

Versus

The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

... Respondent/Complainant

For Petitioners : Mr.J.Selvin Rajesh, Advocate
for M/s.Dictum Law Firm

For Respondent : Mr.M.Sakthi Kumar, Government Advocate (CrI. Side)

For Intervenor : Mr.P.P.Alwin Balan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.116 of 2024 on the file of the Respondent Police.



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CRL MP(MD).5897/2024 IN CRL OP(MD).1142/2024 :

Mariya Antony Puppy

... Petitioner/De-facto Complainant

VS

1 The Inspector of Police,
Mukkudal Police Station,
(Crime No.239/2023)

... 1st Respondent/Respondent

2 Anthonyraj Jegan

... 2nd Respondent/Petitioner

For Petitioner	:	Mr.P.P.Alwin Balan, Advocate
For Respondent-1	:	Mr.M.Sakthi Kumar, Government Advocate (Crl.Side)
For Respondent-2	:	Mr.J.Selvin Rajesh, Advocate for M/s.Dictum Law Firm

PETITION FOR CANCELLATION OF ANTICIPATORY BAIL
UNDER SEC 439 (2) OF CR.P.C.

PRAYER :-

To cancel the bail granted in the above Crl.O.P.(MD)No.1142 of 2022 dated 07-02-2024.

COMMON ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.116 of 2024, for the offence under Sections 354C and 509 of IPC and Sections 66E and 67A of Information Technology Act, 2000, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioners/ A3 and A5 are brothers of

A1. The defacto complainant is the wife of A1. The case of the prosecution is that the

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marriage between the defacto complainant and A1 was solemnized on 14.05.2007 and they are having three children. While so, A1 suspected the character of the defacto complainant and drove her out of the matrimonial home in the year 2022. Thereafter, he filed a divorce petition in H.M.O.P.No.230 of 2022. Pending the same, A1 circulated the intimacy pictures and videos of the defacto complainant in social media and defamed her. Therefore, she lodged a complaint against A1 in Crime No.239 of 2023, based on which, he was arrested on 24.12.2023 and subsequently, he was released on bail, by order dated 07.02.2024 in Crl.O.P.(MD)No.1142 of 2024. Now, the allegation against the petitioners is that the petitioners/A3 and A5 have conspired with A1 to circulate the defacto complainant's photographs in web-site.

3. The learned counsel appearing for the petitioners submits that the defacto complainant is having illicit relationship with another person. Therefore, A1 has filed a divorce petition in D.O.P.No.230 of 2022 in the Principal District Court, Tirunelveli. After knowing the same, the defacto complainant demanded huge amount from A1. Since he refused to pay the amount, she earlier lodged a false complaint as against A1, wherein, he was granted bail by this Court. Now, in order to harass A1 and his family members, this present complaint has been foisted by the defacto complainant as against the brothers of A1.

4. Today, the defacto complainant is present before this Court. She has also



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filed a petition in Crl.M.P.(MD)No.5897 of 2024 seeking cancellation of bail granted to the first accused in Crl.O.P.(MD)No.1142 of 2022 by order dated 07.02.2024.

5. The learned counsel appearing for the defacto complainant submits that A1 has circulated some pictures of the defacto complainant in the web-site in an obscene manner, for which, a criminal case has been registered as against A1 in crime No.239 of 2023, A1 was arrested and subsequently, he was released on bail, by this Court in Crl.O.P.(MD)No.1142 of 2024 on 07.02.2024. Even thereafter, the first accused is uploading the defacto complainant's photographs in the web-site in an obscene manner and is also demanding money.

6. This Court considered the rival submissions made.

7. This Court, by earlier order dated 29.01.2024, directed the Social Welfare Officer, Tirunelveli, to conduct an enquiry and to submit a report. Pursuant to the said direction, the Social Welfare Officer, after conducting an enquiry with the defacto complainant and her children, submitted a report before this Court, stating that all the three children have refused to go along with the defacto complainant and made certain allegations as against the defacto complainant.

8. The fact remains that the children are living along with the first accused. The children are aged about 16 years, 15 years and 11 years respectively. The petitioners in Crl.O.P.(MD)No.8684 of 2024 are brothers of A1 and there is no specific overt act as



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against them. Certain vague allegations have been levelled that the petitioners, who are residing at Tirunelveli, have conspired with A1 in the commission of offence. A1 is residing at Coimbatore along with his children and the petitioners in Crl.O.P.(MD) No.8684 of 2024 are residing at Tirunelveli.

9. This Court has also considered the report filed by the Social Welfare Officer, Tirunelveli. In this case, all the three children are living along with A1 and when the Social Welfare Officer enquired the children, they have uniformly stated against the defacto complainant.

10. Considering the report of the Social Welfare Officer, Tirunelveli, this Court is not inclined to cancel the bail granted to A1, in Crl.O.P.(MD)No.1142 of 2022, on 07.02.2024. Accordingly, Crl.M.P.(MD)No.5897 of 2024 in Crl.O.P.(MD)No.1142 of 2024 is dismissed.

11. Insofar as the Crl.O.P.(MD)No.8684 of 2024 is concerned, this Court, considering the nature of allegation and as there is no specific overt act as against the petitioners herein, is inclined to grant anticipatory bail to the petitioners.

12. Accordingly, Crl.O.P.(MD)No.8684 of 2024 is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate on condition that



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(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi.

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address.

(iii) The petitioners shall appear before the respondent Police as and when required for interrogation. They have to co-operate for the investigation.

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-

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

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TO

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1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.

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

+2 CC to M/s.DICTUM LAW FIRM, Advocate (SR-6478[I] & SR-6479[I] dated
13/06/2024)

+1. CC to M/S.P.P.ALWIN BALAN, Advocate SR.No.6552[I] dated 14/06/2024

ORDER

IN

CRL OP(MD).No.8684 of 2024

and

CrI.M.P.(MD)No.5897 of 2024

in

CrI.O.P.(MD)No.1142 of 2024

Date :13/06/2024

RS/VR/SAR-(26.06.2024) 7P 8C

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