



CRL OP(MD) No.16402 of 2023

WEB COPY

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16402 of 2023

VENKATA SUBRAMANIAN

... PETITIONER / SOLE ACCUSED

Vs

1 THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION,
MADURAI CITY,
CRIME NO.42/2023

... RESPONDENT/COMPLAINANT

2 SARASWATHI

... 2nd RESPONDENT

(R2 IS SUO-MOTU IMPLEADED AS PER ORDER
OF THE COURT DT 12/09/2023 IN CrI OP(MD)
No.16402 of 2023

SINDHU

... PETITIONER/INTERVENER
in CRL MP(MD)No.14026 of 2023

For Petitioner : M/S.SEKAR.B, Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (CrI. Side)

For Intervener : Mr.C.M.ARUMUGAM, Advocate

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



CRL OP(MD) No.16402 of 2023

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.42/2023 ON THE FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 509 and 506 (2) of IPC r/w Section 67 of Information Technology (Amendment) Act, 2008, in Crime No.42 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is none other than the mother-in-law of the petitioner. Due to matrimonial dispute between the petitioner and the daughter of the defacto complainant, the daughter of the defacto complainant is living with the defacto complainant. Due to which, the petitioner sent a defamatory and humiliating messages against all the family members of the defacto complainant through his mobile phone to the daughter of the defacto complainant. Hence, the present complaint has been given by the defacto complainant against the petitioner and the Law Enforcing Authority, registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that it is purely a family



CRL OP(MD) No.16402 of 2023

WEB COPY

dispute between the husband and wife. The defacto complainant did not want to join the petitioner with her daughter and she preferred to file a petition seeking divorce before the appropriate forum. Hence, with an intention to get divorce from the petitioner, foisted this false case against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor appearing for the defacto complainant submitted that the petitioner is having illegal affairs with several women and has no job. To manage his day-to-day life, he demanded her to obtain money from her parents. Due to the harassment made by him, physically and mentally, the daughter of the defacto complainant lodged a complaint before the Anna Nagar Police Station, Madurai, and the same has been registered in CSR.No.853 of 2023. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner and the daughter of the defacto complainant are the husband and wife. Due to matrimonial dispute, they separated. Due to which, the petitioner sent a defamatory messages against all the family members of the defacto complainant. There is a specific overt act has been attributed against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



CRL OP(MD) No.16402 of 2023

WEB COPY

6. Considering the facts and circumstances of the case and also considering the fact that it is purely a family dispute between the husband and wife, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Madurai**, on condition that the petitioner 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his 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 his identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;



CRL OP(MD) No.16402 of 2023

WEB COPY

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

/ TRUE COPY /

/01/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



CRL OP(MD) No.16402 of 2023

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

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

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-122[I] dated 04/01/2024)

ORDER

IN

CRL OP(MD) No.16402 of 2023

Date :03/01/2024

SS/VR/SAR- /05/01/2024/6P/6C

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