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Crl.O.P.No.26724 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

**THE HONOURABLE MR JUSTICE K. RAJASEKAR**

**CRL OP NO.26724 of 2025**

Gopinath

... Petitioner/ Accused

Vs

The State rep. by,  
The Inspector of Police,  
Cyber Crime-II,  
Namakkal, Namakkal District.  
(Crime No.12 of 2025)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in  
Crime No.12 of 2025 registered on the file of the respondent police.

**For Petitioner(s)** : Mr. C.S. Saravanan

**For Respondent(s)** : Mr. A. Gopinath  
Government Advocate (Crl. Side)

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## **ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 14.08.2025, for the offences punishable under Section 308(2) of BNS (384 IPC) r/w Sections 66(E) and 67(A) of Information Technology Act, 2008 in Crime No.12 of 2025, registered on the file respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner unlawfully recorded the explicit images of the defacto complainant without her consent during a whatsapp video call; that thereafter posted the said obscene content in the Whatsapp group with a deliberate intention to humiliate and to cause emotional distress and outrage her modesty; that apart from attempted to extort a sum of Rs.2,00,000/- by using the said obscene videos of the defacto complainant. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the petitioner has no previous antecedents and he is in judicial custody since 14.08.2025. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to



the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the mobile phone of the petitioner was seized and the forensic lab report is yet to be received; the petitioner has no previous antecedents and the investigation of this case is pending.

5. Considering the facts and circumstances of the case, the videos alleged to have been recorded in the mobile phone of the petitioner was seized, the petitioner has no previous antecedents and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Additional Mahila Court, Namakkal** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

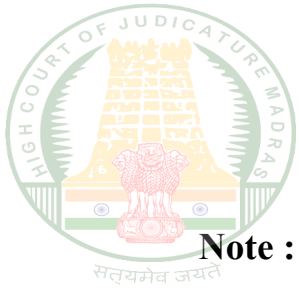
**[b] the petitioner shall report the respondent police daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

**26.09.2025**

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**Note :**

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1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate,  
Additional Mahila Court, Namakkal.
2. The Inspector of Police,  
Cyber Crime-II,  
Namakkal, Namakkal District.  
(Crime No.12 of 2025)
3. The Superintendent,  
Central Prison, Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**K. RAJASEKAR, J.**

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