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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 13/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13287 of 2024

Maharaja,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,  
Moondradaippu Police Station,  
Tirunelveli District.  
Crime No.164/2024.

... Respondent/Complainant

For Petitioner : M/s. Balakrishnan,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime no.164 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 03.07.2024 for the offences punishable under Sections 294(b), 377, 387 and 506(2) of



IPC, in crime No.164 of 2024 on the file of the respondent police, seeks bail.

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2.Heard both sides.

3.The allegation in this case is that the defacto complainant and the accused are members of a particular app namely, Grinder Gay App. The very name of the app suggests that the purpose. It is illegal not for the question of being homosexual but for serving only a prurient and sexual interest of the parties. Pursuant to contact through the said app, the accused took the defacto complainant to a secluded place and sexually abused him and also robbed him of his chain and credit card. By using the credit card, they withdrew a sum of Rs.1,15,000/-.

4.Considering the nature of allegations made against the petitioner and also considering the undertaking given by the learned counsel for the petitioner that he will come out of the app and will not be part of the any social media of any nature and he will voluntarily surrender his mobile phone and intimate the respondent police that if he buy any new mobile phone, this Court is inclined to grant bail to the petitioner on certain conditions.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate, Nanguneri.



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6. The Investigating Officer shall also report about the mobile app to the appropriate agency namely, the Ministry of Electronics & Information Technology, Government of India that it is used to commit offences / illegal purpose for them to consider for appropriate action including blocking in accordance with law.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) The petitioner shall file an undertaking affidavit that that he will come out of the app and will not be part of the any social media of any nature and he will voluntarily surrender his mobile phone and intimate the respondent police that if he buy any new mobile phone;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.

vi) 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].

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vii)If the accused thereafter abscond, a fresh FIR can be registered under

Section 229A IPC.

sd/-  
13/08/2024

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13/08/2024  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE,  
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, TIRUNELVELI.

4 THE INSPECTOR OF POLICE,  
MOONDRADAIPPU POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.BALAKRISHNAN, Advocate ( SR-9875[I] dated 13/08/2024 )



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VERDICTUM.IN



CRL OP(MD). No.13287 of 2024

ORDER

IN

CRL OP(MD) No.13287 of 2024

Date :13/08/2024

SA/13.08.2024/5P/7C

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