

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.4946 & 4441 of 2020

1 S.DHANASEKAR	[PETITIONERS / ACCUSED
2 P.K.HARIHARAN	IN CRL.OP.NO.4946/2020]
3 R.THULASIRAM	
4 S.LOGANATHAN	
5 L.YUVRAJ	
6 G.VIGNESH	

HARSHEETH	[PETITIONER / ACCUSED
	IN CRL.OP.NO.4441/2020]

Vs

STATE REP. BY	[RESPONDENT
THE INSPECTOR OF POLICE	IN BOTH THE PETITIONS]
G-3, KILPAUK POLICE STATION,	
CHENNAI-600 010.	
CRIME NO.43 OF 2020	

For Petitioner : M/S.D.SELVAM Advocate [IN CRL.OP.NO.4946/2020]

For Petitioner : M/S.THOMAS T JACOB Advocate [IN CRL.OP.NO.4441/2020]

For Respondent : M/S.S.THANKIRA Government Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

For Intervenor : M/S. R.SUBBURAJ, Advocate
[IN CRL.MP.3095/2020 IN CRL.OP.4946/2020]

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

ORDER : The Court Made the following order :-

These Criminal Original Petitions have been filed seeking to grant anticipatory bail by the petitioners, who are A2 to A7 in a criminal case registered in Crime No.43 of 2020 for the offence punishable under Sections 406, 420, 506(ii) of I.P.C. and Sec.67 of Information Technology Act.

2. The allegation against the petitioners is that, A1 in this case claiming himself as a politically influential person, belongs to ruling party in the centre, having contacts with top leaders in the ruling party in Delhi, and also collected money from the complainant for doing some favours. That apart, he has also compelled the petitioner to spend amount for so many other persons, and made the defacto complainant to believe that, he is a politically influential

person. When the defacto complainant coming to know about the true colour of A1, he severed connection with him. Thereafter, A1 threatened him with dire consequences, and with the help of the petitioners posted some abnoxious photo of the defacto complainant in social media. The allegation against the petitioners is that, they have helped A1 for posting abnoxious photos of complainant and another lady in the social media.

3. Mr.D.Selvam, learned counsel appearing for petitioners would submit that, in respect of very same allegation, one lady by name Niranjani, has made a complaint against the petitioners, which was registered in crime No.3 of 2020 for an offence under Sec.506(i) I.P.C. and Sec.4 of Tamil Nadu Prohibition and Harassment of Women Act and Sec.67 of Information Technology Act, and this Court by an order dated 28.02.2020 in CrI.O.P. Nos.2922, 3007, 3013, 3015, 3018 and 3344 of 2020 granted anticipatory bail.

4. The learned Public Prosecutor, on instructions, would submit that, the allegations in both cases in Crime Nos.3 and 43 of 2020 are one and the same in respect of present petitioners herein, and also admitted the fact that, this Court has granted anticipatory bail to the petitioners on imposing certain conditions.

5. Considering the circumstances that, in respect of very same allegations, already the petitioners were granted anticipatory bail by this court, this Court is inclined to grant Anticipatory Bail to the petitioners.

7. Accordingly, 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 on which the order copy made ready, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 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].

-sd/-
18/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
NO.XIV, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
G-3, KILPAUK POLICE STATION,
CHENNAI-600 010.

+2 CC to M/S.D.SELVAM Advocate on payment of necessary charges
SR.No.5282

+1 CC to M/S.THOMAS T JACOB Advocate on payment of necessary
charges SR.No.5287

CRL OP.Nos.4946 & 4441/2020

Date :18/03/2020

cs 06/05/2020