

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8727 of 2020

Dharmaraj,
No.28,Lamer Street,
Karaikal, Puducherry – 609 602.

... Petitioner

Vs.

State Rep. by
The Station House Officer,
Town Police Station,
Karaikal District,
Puducherry 609 602.
Cr. No.203 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.203 of 2020 on the file of the respondent police.

For Petitioner

: Mr.A.P.Sathiya Murthy

For Respondent

: Mr.V. Balamurugane
Additional Public Prosecutor
(Pondicherry)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 354(D)(2) of I.P.C and 67 of I.T. Act, 2000 and altered to Section 354(2) of I.P.C and 67 of I.T. Act and 506(ii) of I.P.C in Crime No.203 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as a Senior Lab Technician in Government General Hospital, Karaikal and on 25.05.2020 he has sent some obscene pictures and voice messages to the mobile phone of the defacto complainant, who is working as a Doctor in the same hospital. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 42 years and having a family and he has nothing to do with the crime as alleged by the prosecution. Due to some misunderstanding between the petitioner and the defacto complainant a

false complainant has been registered against the petitioner and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is working as a lab assistant and had sent some obscene pictures and voice messages to the mobile phone of the Defacto complainant, who is working as a Doctor in the same Hospital. Hence he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to file an affidavit before the respondent that he will not indulge in any such activities in future and on filing of such affidavit, the petitioner 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 on which the order copy made ready, before the learned Judicial Magistrate-II, Karaikal on condition that the

petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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, 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 file an affidavit before the respondent that he will not indulge in any such activities in future.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. from for a period of two weeks and thereafter as and when required for interrogation.

[d] 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.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the

petitioner/s in accordance with law as if the conditions have been imposed and the petitioner/s 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]**.

[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

26.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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To

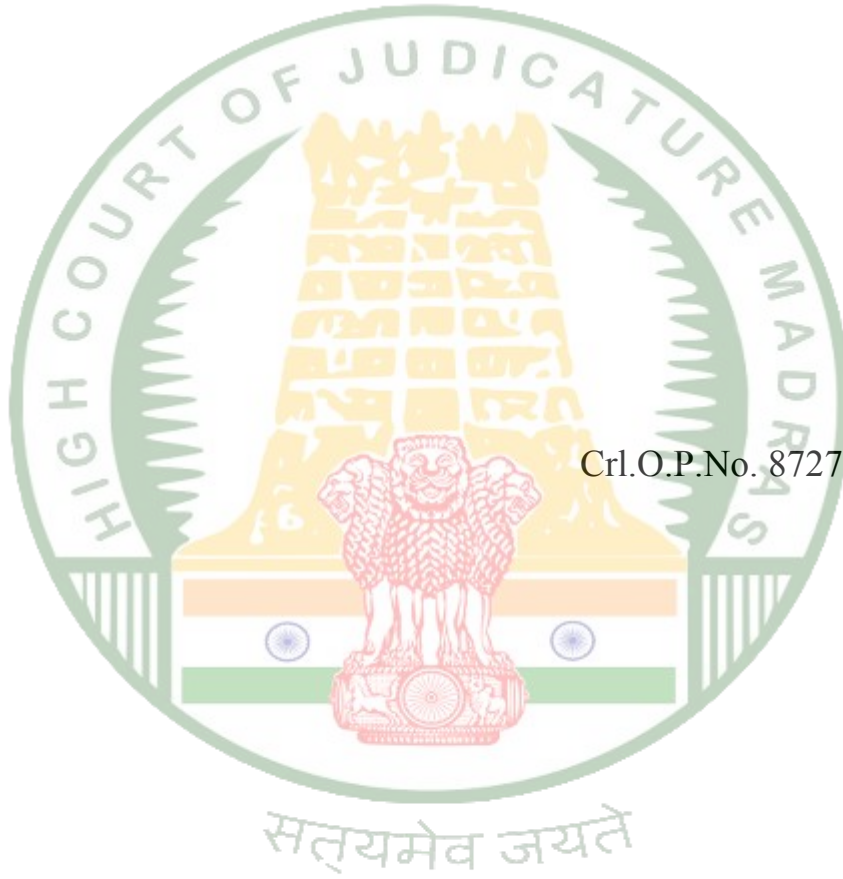
1. The learned Judicial Magistrate-II,
Karaikal.

2. The Station House Officer,
Town Police Station,
Karaikal District, Puducherry
Cr. No.203 of 2020

3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J

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