

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9130 of 2020

C. Sahadevan

... Petitioner

-vs-

State By

Inspector of Police,
Peralam Police Station,
Thiruvarur District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1000 of 2020 on the file of Inspector of Police, Peralam Police Station, Thiruvarur District.

For Petitioner : Mr. S. Sasikumar

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

The Petitioner, who was arrested and remanded to judicial custody on 19.05.2020 for the offences punishable under Section 506(ii) of the Indian Penal Code, 1860, r/w Section 67(B) of the Information Technology Act, 2000, r/w Section 12 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.1000 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Petitioner morphed the photo of the victim along with him and threatened the victim that he will upload the photo in the social media and compelled her to be friendly with him.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that the Petitioner is aged 24 years and that he was having friendship with the victim girl. The parents of the victim suspecting that the Petitioner was in love with the victim, had given false complaint. He would further submit that the Petitioner is in judicial custody from 19.05.2020 and would seek for bail.

4.The learned Additional Public Prosecutor would submit that the Petitioner morphed the photograph of the victim girl and threatened her that he will upload it in the social media

and compelled her to get married to him. He would further submit the investigation has been completed and final report has to be made ready.

5. Taking into consideration of the facts and circumstance of this case, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined on his release;

(b) Thereafter, the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Additional Session Judge (FAC), Fast Track Mahila Court, Thiruvavarur within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the Petitioner shall appear before the Additional Session Judge (FAC), Fast Track Mahila Court, Thiruvavarur on the first working day of every month until further orders;

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) the Petitioner shall not venture out of the house;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/06/2020

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 ADDITIONAL SESSIONS JUDGE
(FAC), FAST TRACK MAHILA COURT,
THIRUVARUR.

2 THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE SUPERINTENDENT OF
CENTRAL PRISON, TRICHY.

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.9130/2020

Date :22/06/2020

GKS (MK) :31/07/2020

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