

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11459 of 2020

Elumalai

... Petitioner

Vs.

The state represented by
The Sub Inspector of Police,
Vaniyambadi Taluk Police Station,
Vellore District.
(Crime No.841 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime.No.841 of 2020 pending on the file of the respondent Police.

For Petitioner : Mr. E.KANNADASAN

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to the judicial custody on 14.06.2020 for the alleged offences punishable under sections 354-A, 354-C of I.P.C. r/w. 67 of Information Technology r/w.11(1) and 12 of Protection of Children from Sexual Offence Act 2012, in Crime No. 841 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Murugan is that the petitioner had developed relationship with the minor daughter of the defacto complainant and also taken photographs when they were in compromising position. Thereafter, when she wanted to severe the relationship, the petitioner uploaded the photographs in the social media. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the daughter of the defacto complainant were in love with each other and a false case has been foisted against the petitioner by the defacto complainant in order to sever the relationship between the petitioner and the daughter of the defacto complainant. He would further submit that the petitioner was arrested on 14.06.2020 and he has been in judicial custody for more than 40 days. He would also submit that the alleged cell phone has been recovered and the major part of the investigation is over. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is the friend of defacto complainant's minor daughter and when they were in relationship, the petitioner has taken photographs along with the victim girl. Thereafter, when the victim girl wanted to sever the relationship, the petitioner has uploaded the photographs in the social media. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels, 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 condition to execute 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 and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned District Munsif cum Judicial Magistrate, Vaniyambadi, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 report before the respondent police everyday at 10.30 a.m., for a period two weeks and thereafter every Monday at 10.30 a.m., 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) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) 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/-
31/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANIYAMBADI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.11459/2020

Date :31/07/2020