

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12568 of 2020

Ramachandiran @ Ramu

.... Petitioner

-Vs-

The State Rep. by

S.H.O,

All Women Police Station,

Cuddalore.

(Crime No.11 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.11 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 16.07.2020, for the offences punishable under Section 4 of TNPWH Act, 2002 r/w Section 506(i) of IPC r/w Section 67 of IT Act, 2000 in Crime No.11 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Jaya is that the petitioner, who is a brother-in-law, after the death of her husband, had abused her with filthy language and also sent obscene photographs from the phone belonging to the deceased husband.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that a false complaint has been foisted against him. He would submit that the *de facto* complainant is none other than the sister-in-law of the petitioner and that while his brother was alive, the *de facto* complainant has filed a petition for divorce in HMOP.No.134 of 2015 before the learned Principal Sessions Judge, Cuddalore and the petition for maintenance in MC.No.1 of 2016 before the learned Chief Judicial Magistrate, Cuddalore. Pending the above proceedings, the husband of the complainant died on 21.12.2019. After the death of

his brother, the *de facto* complainant along with one Sivakumar illegally occupied the house of the petitioner's brother and there was some dispute between them, due to which, a false complaint has been given against the petitioner in order to grab the property of the petitioner's brother.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is the brother-in-law of the *de facto* complainant, had abused her with filthy language and also sent obscene photographs from the phone belonging to the deceased husband. Hence, he would object the grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the 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) each, 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 Judicial Magistrate, Additional Mahila Court, Cuddalore, within 15 days from the date of lifting of the 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 every day at 10.30.am for a period of 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 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];

(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/-

19/08/2020

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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
CUDDALORE.

2 THE SUPERINTENDENT,
SUB JAIL, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE S.H.O,
ALL WOMEN POLICE STATION,
CUDDALORE, CUDDALORE DISTRICT.

CC to M/S.A.K.VELAN Advocate on payment of necessary charges

CRL OP.12568/2020

Date :19/08/2020

MK:07/09/2020