

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

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

Crl.O.P.No.13649 of 2020

Sivajothish @ Jothish

... Petitioner

Vs.

State By

Inspector of Police

Villupuram West Police Station

Villupuram District.

Crime No.1679 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.1679 of 2020.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.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 judicial custody on 04.08.2020 for the offence punishable under **Sections 354, 354A, 354D, 506(ii) of IPC read with Section 4 of TNWH Act read with 66A(a), 66A(b), 66A(c), 67A @ 354, 354-A, 354-D, 419, 465, 468 of IPC, Section 4 of TNPWH Act and 66-D f I.T. Act, in Crime No.1679 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Divya is that she was friendly with the petitioner for the past two years. Nine months ago, she came to know that the petitioner was having friendship with several other women. Thereby, she severed the friendship with the petitioner. Thereafter, the petitioner threatened to upload the photographs taken along with her when she was in friendship with the petitioner and also uploaded the photographs. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and that the petitioner and the defacto complainant were friendly for two years. Thereafter, due to some misunderstanding, a false complaint has been given. He would further submit that the petitioner has been suffering incarceration for more than a month from 04.08.2020. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner and the defacto complainant were in friendship for two years. Thereafter, when the defacto complainant came to know that the petitioner was having relationship with several other women, she severed the relationship with the petitioner. Therefore, the petitioner threatened the defacto complainant and uploaded the photographs taken along with her when they were in friendship. He would further submit that the investigation is pending. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner's phone has been recovered and it has been sent for forensic examination.

6.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the phone which is said to have been used for uploading the photographs has been recovered and also considering the period of incarceration by the petitioner from 04.08.2020, 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;

(b) Thereafter, the petitioner 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 Principal Sessions Judge, Villupuram, 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 on his release from prison, shall report before the respondent police daily 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/-

07/09/2020

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 PRINCIPAL SESSIONS JUDGE,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI-600 104.

3 THE JAILER,
SUB JAIL, GINGEE,
VILLUPURAM DISTRICT.

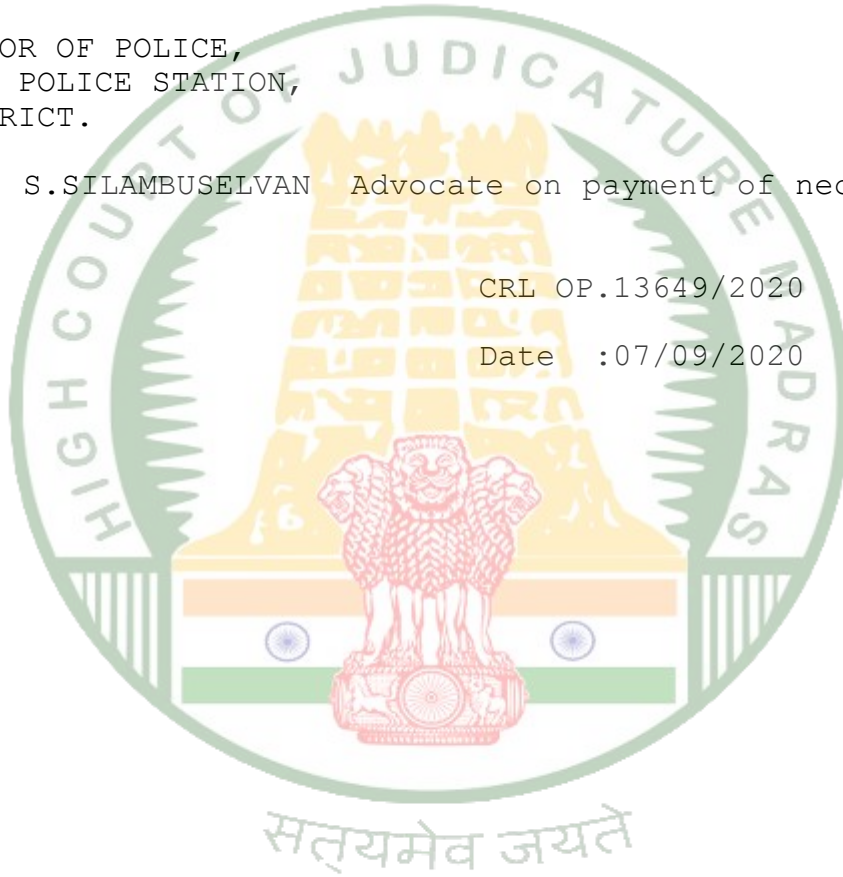
4 THE INSPECTOR OF POLICE,
VILLUPURAM WEST POLICE STATION,
VILLUPURAM DISTRICT.

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

CRL OP.13649/2020

Date :07/09/2020

MK:10/09/2020



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