

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.14784 of 2020

MOHANA SUNDARAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI-18.
(CRIME NO.5 OF 2020)

[RESPONDENT]

For Petitioner : M/S.B.MANIMARAN Advocate

For Respondent : M/S. SARATHA DEVI.V, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 67(A) IT Act, 354(D), 509 and 506(i) IPC and Section 4 of the Women Harassment Act in Crime No.5 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a quarrel between the defacto complainant and the delivery boy while delivering the pizza due to which, the delivery boy is alleged to have shared the defacto complainant's phone number in Whatsapp group saying her as a Call Girl. Hence, the defacto complainant received many phone calls from unknown persons including the petitioner herein using obscene words which made her to give the complaint.

3. Learned Counsel for the petitioner would submit that the petitioner has not committed any such offence and even the offence under Section 506(i) is also a bailable offence. Further, so far as the petitioner is concerned, as per the case of the prosecution, Section 67 A of the Information Technology Act will not attract. Therefore, even if it is presumed against the petitioner that he has committed the alleged offence, he is tendering unconditional apology. Hence, considering the same, the petitioner may be enlarged on bail.

4. On the other hand, the learned Government Advocate (Crl. Side) would submit that the 1st accused after receiving order from the defacto complainant came to her house to deliver the pizza and

without any basis mistaking that she is a call girl spread a message in the Whatsapp group and on this score, consequently, many people started harassing the defacto complainant including the petitioner herein who has been arrayed as A2 in this case. Learned Government Advocate would further submit that the petitioner has outraged the modesty of the defacto complainant as though she is not a family lady. Therefore, the subsequent tendering of unconditional apology will never absolve the petitioner from the alleged offences, that he should face the trial.

5. I fully agree with the objections raised by the learned Government Advocate (Crl. Side) for the respondent. Although the petitioner has tendered unconditional apology, having admitted succinctly that the petitioner has outraged the modesty of the defacto complaint, the learned Counsel for the petitioner cannot plead that Section 67 A of the Information Technology Act will not attract so far as the petitioner is concerned. Further, it appears that the earlier anticipatory bail petition filed by the petitioner in Crl.O.P.No.6743/2020 was dismissed by this Court on 23.03.2020. This is the second anticipatory bail petition. Since this Court finds no change of circumstances in this matter to grant anticipatory bail to the petitioner, the Anticipatory Bail Petition stands dismissed.

-sd/-

28/09/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI-18.

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

CRL OP.14784/2020

Date :28/09/2020

RVR 08/10/2020