

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15136 of 2020

Keerthi Vasan

... Petitioner

Vs.

State by

Inspector of Police

J-3 Guindy Police Station

Guindy, Chennai

(Crime No.69 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.69 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P. Sathya Murthy

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

This petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 354, 506(i) of I.P.C and under Section 4 of Woman Harassment Act in crime No. 69 of 2020 on the file of the respondent seek anticipatory bail.

2. The case of the prosecution as per defacto complainant is that his Daughter by name Banumitha is studying in Gurunanak College, Velachery and the petitioner who is also studying in the same college has taken photographs of the said Banumitha in his mobile phone and uploaded the same in the social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a 3rd year college student and the daughter of the defacto complainant was studying 2nd year in the same college and they were known to each other. Due to some misunderstanding a false complainant has been lodged against the petitioner. The petitioner has completed his college and he is now seeking for employment. He would also submit that as per the order of this Court dated 25.09.2020, the petitioner has already handed over his mobile phone to the respondent police for the purpose of investigation.

4.The learned counsel for the petitioner would submit that the petitioner is ready to file necessary affidavit before the concerned Magistrate that he will not interfere in the life of defacto complainant's daughter and he will not upload any photos in social media. Hence, he prays for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner and the daughter of the defacto complainant were studying in the same college and the petitioner had harassed the defacto complainant's daughter and uploaded her photo in the social media. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the submission made by the petitioner that he is prepared to file an affidavit before the concerned Magistrate stating that he will not interfere in the life of defacto complainant's daughter and he will not upload any photos in social media, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from, the date on which the copy of the order is made ready, before the IX Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties out of which one surety should be either of the parent each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner should file necessary affidavit before the concerned Magistrate that he will not interfere in the life of defacto complainant's daughter and he will not upload any photos in social media.

[d] the petitioners shall report before the respondent police daily at 10:30 a.m for a period of two weeks and thereafter every monday at 10:30a.m until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
30/09/2020

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 IX METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
GUINDY, CHENNAI.

CC to M/S. P.SATHIYA MURTHY Advocate on payment of necessary charges

CRL OP.15136/2020

Date : 30/09/2020

RVR 19/10/2020

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