

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2020

CORAM :

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

CRL.O.P.No.15439 of 2020

Maadhu

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Tiruppur North All Women Police Station
(In Cr.No.14/2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.14 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Ramachandran

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 judicial custody on 10.07.2020 for the offences punishable under **Sections 417, 420, 376(2)(n) of IPC and 66 E, 67A of IT Act, in Crime No.14 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Pavithra is that the petitioner who is a married man assured her that he will divorce his wife and get married to her and on the false promise he also had sexual intercourse with her on several occasions. The further allegation is that the petitioner later neglected her and also threatened the defacto complainant that he would post intimate photos in social media and compelled her to have sexual intercourse with him and later cheated her. The further allegation is that the petitioner has also uploaded the intimate photos in a social media. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the defacto complainant very well knows that the petitioner is a married man and he is in a consensual relationship with the petitioner and

during such time, the petitioner has also shared his password of social media accounts to her. While so, the defacto complainant threatened the petitioner and demanded huge amount from him, and when it was refused by him, she herself has uploaded the intimate photographs in the social media from the account of the petitioner and had given a false complaint against him. He would further submit that the petitioner was arrested on 10.07.2020 and he is in custody for almost 90 days. He would further submit that the major part of the investigation is over and that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a married man who induced the defacto complainant on the false promise that he would divorce his wife and marry her, had sexual intercourse with her. Later, he avoided the victim girl and also uploaded the intimate photographs in the social media and compelled her to have sexual intercourse with him. He would further submit that investigation is pending.

5.Heard the learned counsels on either side. Perused the other documents placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner, 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 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 **Judicial Magistrate No.1, Tiruppur**, and on further conditions that:

(b) 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;

(c) **the petitioner on his release from prison shall stay at Erode and report before the Erode Town Police station everyday at 10.30 a.m. until further orders. The petitioner shall not visit or talk to the defacto complainant and he shall not enter into the jurisdictional limits of the respondent police.**

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(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/-
09/10/2020

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 NO.I,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH ALL WOMEN POLICE STATION.

5 THE OFFICER INCHARGE,
ERODE TOWN POLICE STATION,
ERODE.

+1CC to M/S.R.RAMACHANDRAN Advocate on payment of necessary charges SR NO.6783

CRL OP.15439/2020

Date :09/10/2020