

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.16976 of 2020

G.Arun Kumar

... Petitioner

Vs.

The Inspector of Police (Cyber Crime),
S1, St.Thomas Mount Police Station,
2nd Floor, MKN Road Junction,
Railway Station Road,
St. Thomas Mount,
Chennai-600 016.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest in Crime No. not known on the file of respondent Police.

For Petitioner : Mr.N.Gokula Rao

For Respondent : Ms.T.P.Savitha
Government Advocate

O R D E R

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate.

2.The complaint has been given by one Aruna Devi against the petitioner herein alleging that the petitioner had taken some photographs of her and had morphed it with obscene characters and circulated it in social media and based on the complaint given by Aruna Devi, the petitioner herein was called to the Police Station for enquiry.

3.In this petition for Anticipatory Bail, it is contended that the petitioner and Aruna Devi had affairs for some time and this petitioner moved with the *de facto* complainant believing that she is a divorcee and later, when he came to know her true colour, he tried to desert her, but by that time, he had spent several lakhs of rupees for her and to the persons whom she has referred. To extract more money, the present complaint has been

given with the help of one Anandan and with the influence of police and political parties. The sum and substance of the petition appears to be the intimate relationship between the *de facto* complainant and the petitioner herein leading to transaction of money and subsequent break-down of the relationship. In the course of enquiry, the police has already collected substantial evidence from either side.

4. Under the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the learned XV Metropolitan Magistrate, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[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 shall stay at Chennai and report before the Inspector of Police (Cyber Crime), S1, St. Thomas Mount Police Station, Chennai, as and when required.

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

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

[f] On failure to comply the condition or breach of any of the aforesaid conditions, the learned 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].

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

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

-sd/-
22/10/2020

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 METROPOLITAN MAGISTRATE NO.XV,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE (CYBER CRIME),
S1, ST THOMAS MOUNT POLICE STATION,
2ND FLOOR MKN ROAD JUNCTION,
RAILWAY STATION ROAD,
ST. THOMAS MOUNT, CHENNAI-600 016

4 THE INSPECTOR OF POLICE (CYBER CRIME),
S1, ST.THOMAS MOUNT POLICE STATION,
CHENNAI

+2CC to M/S. N.GOKULA RAO Advocate on payment of necessary charges SR NO.7062

CRL OP.16976/2020

Date :22/10/2020

MK:28/10/2020

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