

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17971 of 2020

Tharshan Thiyagarajah

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
AWPS-Adyar Police Station,
Chennai District.
(Cr.No.14 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.14 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Venkatesh

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

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294 (b), 406, 417, 420, 509 of IPC r/w. Section 4 of Prevention of Women Harassment Act, in Crime No.14 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sanam Prasads is that she is a model in southern Indian Film Industry and she got introduced the petitioner during the year 2017 in shooting and they have exchanged mobile numbers and the petitioner was keeping in touch with her and thereafter due to frequent meetings the relationship progressed to next level as lovers. Thereafter, the petitioner wanted the defacto complainant to be his life partner and she also accepted the love and care. Further allegation is that they dated and travelled to several places and thereafter, engagement was conducted on 12.05.2019 at Bangaluru in the presence of family members. Further allegation is that the petitioner got selected as a participant in Bigg Boss 3. The defacto complainant had purchased cloths for the petitioner for his 100 days in Bigg Boss 3 reality show and also spent for him heavily. The petitioner got relationship with another Bigg Boss 3 participant and later projected the defacto complainant as a person having bad character and having relationship with several men and abused in filthy language and beaten in front of the friends and family members and also threatened the defacto

complainant. Subsequently, the defacto complainant given a complaint before the Commissioner of Police and the said complaint was forwarded to appropriate authority for enquiry. During the enquiry, the petitioner had threatened the defacto complainant in the presence of Inspector of Police, All Women Police Station, Adyar, Chennai and further allegation is that the petitioner posted personal videos in the social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that it is the time that there was relationship between the petitioner and the defacto complainant since they were to know each other as professional actors. Later since the defacto complainant and the petitioner had misunderstanding due to certain financial dealings and the petitioner wanted to get away from her company whereas the defacto complainant had uploaded abusive contents against the petitioner in social media to spoil his reputation. Earlier the petitioner was called for enquiry before the All Women Police Station, Adyar and he had appeared before the respondent for enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and the petitioner are professional actors and the engagement was conducted between them by the parents of the defacto complainant and the petitioner received a sum of Rs.15 lakhs from the defacto complainant and later, the petitioner abused her and also threatened her. He would further submit that earlier the enquiry was conducted by the respondent police and the petitioner appeared for enquiry. However, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. Heard the counsel. Perused the F.I.R. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Metropolitan Magistrate - IX, 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, 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:

[a] 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

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

[e] On 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].

[f] 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/-

20/11/2020

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 IX METROPOLITAN MAGISTRATE, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
AWPS ADYAR POLICE STATION, CHENNAI.

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

CRL OP.17971/2020

Date :20/11/2020

RVR 10/12/2020