



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

WEB COPY

CORAM

THE HONOURABLE Mr. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.18469 of 2020

Reuben Clement

... Petitioner

Vs.

State by,

Inspector of Police,

Ayyanavaram Police Station,

Chennai.

... 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 Crime No.1117 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The 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 67A of Information Technology Act, 2000, 354-A (iv) of IPC and Section 4 of Women Harassment Act in Crime No.1117 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant Joshua Kirubaraj is that the petitioner and another one Samuel Jaisunder were working as staff in his organization. The further allegation is that the accused had sent abusive and inappropriate text messages by instagram to one of the participants who had attended the seminar conducted by their organisation.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the allegation is only against the first accused Samuel Jaisundar and that there is no specific allegation against the petitioner. He would submit that none of the alleged victims have filed any complaints against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner along with one Samuel Jaisunder were working in the organization run by the de facto complainant and that the petitioner along with the other accused Samuel Jaisunder had sent inappropriate text messages to the victim. He would submit that the investigation is pending in this case.

5. Taking into consideration the facts and circumstances of the case and the submissions made by 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 learned V Metropolitan Magistrate, Egmore, 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(2) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/12/2020

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.V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AYYANAVARAM POLICE STATION,
CHENNAI.

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

CRL OP.18469/2020

Date :23/12/2020

MK:07/01/2021