

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

CRL.O.P.No.17508 of 2020

S.T.Meganathan

... Petitioner

Vs.

State rep.by Respondent

Inspector of Railway Police,
Arakkonam Railway Police Station,
Arakkonam,
GRP Chennai District.
(Ajj RPS Crime No.74 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.74 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.09.2020 for the offence punishable under **Sections 354 C and 354 D of IPC, 1860, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 65(B) and Section 67 of Information Technology Act 2000**, in Crime No.74 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.09.2020, while the defacto complainant was travelling from Coimbatore to Chennai in train No.02675 of 2020 at early morning around 5.05 to 5.10 a.m., the petitioner, who is a TTR, took video of her when she was in the restroom of the train. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there was a quarrel between the petitioner and the defacto complainant and therefore, a false complaint has been given against the petitioner as if he has recorded the video when she was inside the toilet of the train. He

would submit that the petitioner was arrested on the same day i.e., 17.09.2020 and the alleged mobile phones have also been recovered from him and that he is in custody for more than 60 days. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would oppose by stating that the petitioner, who is a TTR in the train, has recorded the video when the victim was inside the toilet of the train. He would submit that two cell phones have been recovered from the petitioner and that he is in custody from 17.09.2020. He would further submit that the investigation is pending.

5.Heard the learned counsels and perused the materials placed on record.

6.Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 17.09.2020, 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 learned Judicial Magistrate, Arakkonam 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 shall report before respondent police everyday at 10.30 a.m., until further orders.

(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;

(h) 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];

(i) 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/-
18/11/2020

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 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARAKKONAM RAILWAY POLICE STATION,
ARAKONAM,
GRP CHENNAI DISTRICT.

4 THE JAILER,
SUB-JAIL, ARAKKONAM.

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

CRL OP.17508/2020

Date :18/11/2020

TA-19/11/2020

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