

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18949 of 2020

(*)Jagadhish @ Jagathish Pandian

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District
(Crime No.4104 of 2020)

... Respondent

PRAYER: The Criminal Original Petition filed under Section 438 Cr.P.C.to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.4104 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Rajan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
(CrI.OP.No.18949/2020)

For Respondent : Mr.T.Shanmuga Rajeswaran,
Government Advocate (crl.side)
(CrI.MP.No.2175/2021)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) IPC. r/w, Section 4 of Women Harassment Act in Crime No.4104 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Sathiya is that she was married to one Joseph during the year 2007 and due to misunderstanding she left him and came back to her mother's house at Chennai. The further allegation is that while she

was working in a Reliance Digital Showroom, she got acquainted with the petitioner. While so, in the year 2018, he had married another lady and thereafter, he started to threaten the defacto complainant that he will upload all the intimate photographs taken by them during their relationship.

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 petitioner was in love with the defacto complainant and later he came to know that the defacto complainant is a married woman and got separated from her husband, hence, marriage was fixed between him and another lady, due to which, the defacto complainant got antagonized and gave a false complaint against the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose stating that the petitioner was friendly with the defacto complainant and during their relationship the petitioner had taken photographs of their intimate moments and threatened the defacto complainant that the photographs taken by them will be uploaded in the social media.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to surrender all the incriminating materials available with him including the photographs and the mobile phone.

6.Heard the counsel on either side. Perused F.I.R. and all the materials placed on record.

7.Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum 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 surrender the phone and the photos in his possession to the respondent police and shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 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.

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

-sd/-
15/12/2020

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.

(*) Amended as per Order of this Court dated 01/03/2021 made in CrI.MP.No.2175/2021 in CrI.OP.No.18949/2020

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

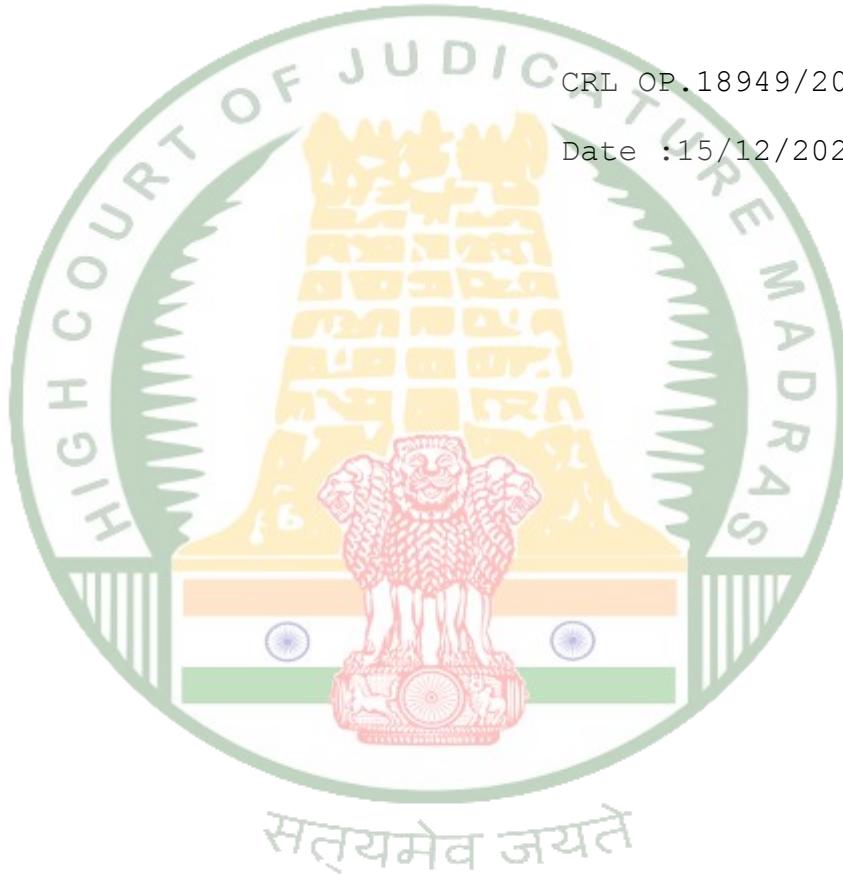
4 THE INSPECTOR OF POLICE
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.RAJAN Advocate on payment of necessary charges
SR.No.2575

CRL OP.18949/2020

Date :15/12/2020

cs 21/12/2020
cs 16/03/2021



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