

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.246 of 2021

Samuel Jaisunder

... petitioner

Vs.

The state of TamilNadu
through the Inspector of Police,
Ayyanavaram Police Station,
Chennai District.
(Crime No.1117 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.1117 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

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 354-A(1) (iv) of IPC, 57A of Information Technology Act, 2000 and 4 of Prohibition of Women Harassment Act, 2002, in Crime No.1117 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have uploaded some abusive contents in the social media against the victim girl. Based on the complainant given by the Director of the organisation in which the petitioner was working, the case has been registered.

3.The learned counsel for the petitioner would submit that the victim girl and the petitioner exchanged some messages between them and absolutely there is no obscene messages. Due to previous enmity between a false complaint has been foisted against the petitioner. Hence, he

prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner uploaded some obscene messages in the social media against the victim girl. He would further submit 164(5) statements was recorded from the victim girl and major part of the investigation was also completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and also the fact that the petitioner and the victim girl have exchanged some text messages and major part of the investigation is also completed, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days from the date on which the order copy is made ready, before the V Metropolitan Magistrate, Egmore, 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 daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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 229-A IPC.

-sd/-
09/02/2021

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 V METROPOLITAN MAGISTRATE,
EGMORE.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

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

सत्यमेव जयते

CRL OP.246/2021

Date :09/02/2021

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EP-23/02/2021