

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4720 of 2021

Dharmaprakash

... Petitioners

Vs.

The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
Crime No.40 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.40 of 2021 on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 28.01.2021 for the offence punishable under Section 294 (b), 323, 417, 354 of IPC r/w. Section 4 of Tamil Nadu Prohibition of Woman Harassment Act r/w. Section 67(A) of Information Technology Act in Crime No.40 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the defacto complainant is a married women. She said to have developed intimacy with the petitioner. At one point of time, since the husband of the defacto complainant came to know about the illicit relationship, the defacto complainant was willing to quit the relationship with the petitioner. Hence, the petitioner said to have criminally intimidated her and also threatened her stating that he will upload the obscene photographs in the social media. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner and the defacto complainant were having illicit relationship. Thereafter, she had contact with another person, he questioned the same, and hence, a false case has been foisted as against the petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has criminally intimidated the defacto complainant and also threatened her by stating that he will upload the obscene photographs in the social media. Now, investigation is almost completed. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the fact that investigation is almost completed and also taking note of the period of incarceration suffered by the petitioner, 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 No.I, Krishnagiri, 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 the respondent police as and when required for interrogation;

(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;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/03/2021

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 JUDICIAL MAGISTRATE NO.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT

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

CRL OP.4720/2021

MK:09/03/2021

Date :09/03/2021

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