

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5593 of 2021

1 S.UTHIRAKODI
2 ELANCHIYAM

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NADUVEERAPATTU POLICE STATION,
CUDDALORE DISTRICT.
(CR.NO.22/2021)

[RESPONDENT]

For Petitioner : M/S.S.NEDUNCHEZHIAN Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.22 of 2021 on the file of the respondent police for the alleged offence u/s 354-C, 506(1) and 509 of IPC, seeks anticipatory bail.

2. There are totally three accused involved in this case and the petitioners have been arrayed as A1 to A3. The allegation is that the petitioners video graphed the de facto complainant when she was taking bath and showed the same to some of the people in the village.

3. The learned counsel for the petitioners submitted that the petitioners are innocent of the alleged offence. There is already a civil dispute pending between the parties. When the de facto complainant had trespassed into the petitioners' house to show that they had encroached the upon the land belonging to her, the petitioners had taken photograph of the de facto complainant, but, the de facto complainant taking advantage of the situation, lodged a false complainant against the petitioners.

4. The learned Additional Public Prosecutor would submit that investigation is pending. He would, however, fairly submit there has already been a civil dispute between the parties and the mobile phone of the petitioners had been seized and the questionable video contents recorded by the petitioners had been deleted immediately.

5. Considering the fact that there has already been a civil dispute between the parties and also the fact that the mobile phone used by the petitioners to video graph had already been seized and the questionable contents were deleted and the other circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Cuddalore, on each of them executing 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:

[b] 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.

[c] the petitioners shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners have been released on bail by the learned Magistrate himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/03/2021

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,
ADDITIONAL MAHILA COURT, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NADUVEERAPATTU POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.S.NEDUNCHEZHIAN Advocate on payment of necessary charges SR.No.3870

CRL OP.5593/2021

Date :22/03/2021

cs 31/03/2021

WEB COPY