

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.7173 of 2020

R.Vinoth @ Vinothkumar

... Petitioner

Vs.

State by

... Respondent

The Inspector of Police,
W-6 All Women Police Station,
Chennai.
(Crime No.2 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2020 on the file of Respondent police.

For Petitioner : Mr.M.Mohamed Hasain

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 25.02.2020 for the offence punishable under Sections 354(C), 506(ii) of I.P.C. and Sec.4 of T.N. Women Harassment Act in Crime No.2 of 2020 on the file of respondent police, seeks bail.

2. Earlier, the petitioner was arrested on 25.02.2020 and subsequently, he was granted interim bail by this court on 01.04.2020. Thereafter, this petition has been listed for further hearing.

3. I have heard and considered rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor.

4. The case of the prosecution is that the petitioner has taken a videograph of defacto complainant while taking bath. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 25.02.2020.

5. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that the investigation has been completed and the mobile phone has also been recovered.

6. Taking into consideration of the fact that, the petitioner was granted interim bail dated 01.04.2020 by this court, now the investigation is also completed, there is no previous antecedents against the petitioner, the interim bail granted to the petitioner is made absolute 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 Additional Mahila Court, Egmore, Chennai 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 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.

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

-sd/-
08/03/2021

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 ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-6, ALL WOMEN POLICE STATION,
CHENNAI.

CC to M/S.M.MOHAMED HASAIN Advocate on payment of necessary charges

CRL OP.7173/2020

Date :08/03/2021

EP-09/03/2021