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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10739 of 2021

Bharanidharan

... Petitioner

Vs.

The Inspector of Police,  
W-19 All Women Police Station,  
Adyar,  
Chennai.  
(Crime No.05 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of arrest in Crime No.05 of 2021 on the file of the respondent police.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | : Mr.R.C.Paul Kanagaraj         |
| For Respondent | : Mr.A.Gopinath                 |
|                | Government Advocate (Crl. Side) |

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 417, 376, 313, 323, 506(1) of I.P.C. and 67A of Information Technology Act in Cr.No.05 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant by name Shanthini @ Shanthini Teva lodged a complaint before the Commissioner of Police on 30.05.2021 and the same was forwarded to the respondent police through proper channel. In the complaint it is stated that the defacto complainant is a Malaysian citizen and residing at Chennai from the year 2017. The defacto complainant used to visit India frequently, while she was working in the Malaysian Tourism Development Organisation.

3.It is the further case of the prosecution that during the year 2017, the defacto complainant was called by A1/M.Manikandan/former Minister of Information Technology, Government of Tamil Nadu and



M.L.A. of Ramanathapuram Assembly Constituency through A2/petitioner. Thereafter A1 expressed his wish to marry the defacto complainant and they both lived together, due to which, the defacto complainant got pregnant thrice and she was forced to terminate her pregnancies. Thereafter during April, 2021, A1 threatened the defacto complainant to go back to Malaysia or else he will upload the defacto complainant's nude photographs in social media. Hence the complaint.

4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel further submitted that there is no allegation made against the petitioner in the F.I.R., but only by way of a substituted counter, the petitioner's name has been included, which is wholly impermissible. It is the further submission of the learned counsel for the petitioner that A-1, who is the main accused, has already been arrested and remanded to judicial custody. Therefore, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal Side) submitted that investigation reveals that the petitioner has threatened the defacto complainant and has uploaded obscene photographs of the defacto complainant. It is further submitted that investigation is still under way and enlarging the petitioner on anticipatory bail would cause detriment to the course of investigation.

6. This Court heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of the counter filed by the respondent police, more especially, paragraph 3 of the counter, which is the form of FIR reveals that the petitioner had introduced the defacto complainant to A-1. But for the averment, there is no other imputations or specific allegations made against the petitioner by the defacto complainant. In such circumstances, this Court is of the considered view that the relief sought for by the petitioner deserves to be allowed and, therefore, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned IX Metropolitan Magistrate, Saidapet, 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 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 Court concerned 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. 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]; and;

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

-sd/-  
25/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

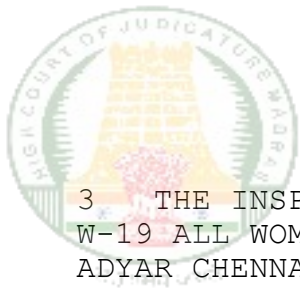
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE XI METROPOLITAN MAGISTRATE  
SAIDPET

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE (FOR INFORMATION)



3 THE INSPECTOR OF POLICE,  
W-19 ALL WOMEN POLICE STATION,  
ADYAR CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S R.C.PAUL KANAGARAJ Advocate on payment of necessary  
charges

CRL OP.10739/2021

Date :25/06/2021

APN 19/07/2021