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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.09.2021

PRONOUNCED ON : 29.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.16331 of 2021

Dr.Ranjith

...Petitioner

Versus

The Inspector of Police,
All Women Police Station,
Chidambaram,
Cuddalore District.
Cr.NO.12/2021

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest by the respondent Police in Crime No.12 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

For Intervener : Mr.Karthikeyan

O R D E R

The petitioner, who apprehends arrest for the alleged offence under Section 354(d) and 506(ii) IPC r/w Section 4 of Tamil Nadu Women Harassment Act r/w Section 67A of the Information Technology Act, in Crime No.12 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had developed one side affair with the defacto complainant and the same was not accepted by the defacto complainant. Thereafter, it is alleged that the petitioner has chosen to post objectionable materials in Whatsapp group as if the defacto complainant too has loved him and afterwards betrayed him and thereby, which resulted in the complaint and the registration of the case by the law enforcing agency against the petitioner.



3. Mr.M.Velumurugan, learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are Doctors. They pursued their medical course at Annamalai University, Rajah Muthiah Medial College Hospital, Chidambaram and after completing their medical course, the petitioner is pursuing his duty as a residential surgeon at the very same college and the defacto complainant is pursuing her MD General Medicine in the very same College. In fact, the petitioner and the defacto complainant loved each other and went to many places jointly. Now the defacto complainant is trying to project herself as if she visited places along with the petitioner only as a friend and broke the relationship without any reasonable cause.

4. The learned counsel further submitted that in respect of allegations of posting objectionable materials in the Whatsapp group, it is the claim of the petitioner that he has made attempt to express his feelings towards his love on the defacto complainant. However, the defacto complainant, without realising the true facts and his emotions, has lodged the police complaint on 08.06.2021. The petitioner appeared before the police and expressed that he is not willing to pursue the relationship in view of the stand taken by the defacto complainant. Thereafter, the petitioner maintained complete restraint in having any contacts with the defacto complainant. While being so, when the petitioner came to know about the marriage proposals of the defacto complainant, in the Whatsapp group of conversation with his friends, he just expressed his deep depressions once again in the group. However, the defacto complainant without any valid reasons, has once again approached the law enforcing agency and lodged a complaint, in which FIR was registered on 08.07.2021. The petitioner had moved an anticipatory bail petition before the Court of Sessions, Cuddalore Division, Cuddalore, in Crl.M.P.No.5529 of 2021 and the said Court had dismissed the same by an order dated 27.08.2021, by taking into account the false representation of the defacto complainant.

5. The learned counsel appearing for the petitioner further submitted that the petitioner, with a view to prove his innocence and genuineness, has also filed an affidavit dated 20.09.2021, wherein it was deposed that he had no intention of disturbing the life of the defacto complainant, either in the past or in the future and undertaken that he will not disturb or interfere with the life of defacto complainant in any manner by posting any message in social media or in any digital platform, either directly or indirectly and hence, the learned counsel prays for grant of anticipatory bail.

6. Mr.G.Karthikeyan, learned counsel appearing for the intervenor submitted that the defacto complainant is a doctor and has completed her MD General Medicine in Government Cuddalore Medical College, Chidambaram. She knows the petitioner while he worked in her unit in



General Medicine as intern. Initially, the petitioner was very friendly with the defacto complainant and she also used to talk as a friend. Later his behaviour turned to be different and he started disturbing her and pressurizing her to accept to marry him. Unable to bear the same, she blocked his numbers. In spite of that, the petitioner harassed the defacto complainant by sending cheap and annoying messages through different numbers and he also sent messages to her parents, brothers and her fiancée and thereby, the petitioner tried to put her in bad light in the eyes of society. Hence, she lodged a complaint before the All Women Police Station, Chidambaram against the petitioner on 08.06.2021. In the said complaint, the matter was compromised as he admitted all his mistakes and gave an undertaking in writing that he will not disturb the defacto complainant again. However, without adhering to the undertaking, the petitioner continued to do such acts by circulating false and vulgar messages in social media against the defacto complainant, which resulted in her lodging another complaint before the All Women Police Station, Chidambaram on 08.07.2021.

7. In support of the said contention of the intervenor, some doctors in the defacto complainant's College have also filed supporting affidavits before this Court, acknowledging the behaviour of the petitioner herein. When the petitioner approached the Trial Court for grant of anticipatory bail, the Trial Court after perusing the entire materials, had elaborately discussed the matter and rightly dismissed the petition. Therefore, it is submitted that this Court shall not give any leniency to the act of the petitioner by granting anticipatory bail as the petitioner would, once again, start interfering with the life of the defacto complainant, as has been done in the past by him in spite of the undertaking given by him. Hence, prays for dismissal of this petition.

8. The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case. Though various claims have been raised by the petitioner, the messages posted by the petitioner are objectionable one and hence, he strongly opposed grant of anticipatory bail to the petitioner as he continued to give threats and has been outraging the modesty of the defacto complainant. Further, if the petitioner is granted anticipatory bail, it would be detrimental to the life of the defacto complainant, who is already in a depressed state of mind.

9. This Court has carefully considered the rival submissions and also perused the materials placed on record.

10. It is the admitted case that the petitioner has posted messages in the Whatsapp group about the defacto complainant. Though the petitioner claimed that he and the defacto complainant loved each other and in support of his contention, he also produced some materials before this Court, however, the said stand is controverted



by the defacto complainant stating that she had moved with the petitioner only as a friend. From a perusal of the materials placed by the petitioner, this Court is unable to come to any definitive conclusion as to the status of the petitioner and the defacto complainant with regard to any affair that is said be existing between the two. However, the contra materials placed by the defacto complainant reveals that objectionable messages were posted in the social media harming the reputation and the image and outraging the modesty of the defacto complainant and the same has also been forwarded to several persons in the Whatapp groups.

11. Though a tall claim is made by the petitioner that there exists a love affair between the petitioner and the defacto complainant, however, the said claim stands nullified on the very undertaking given by the petitioner in the earlier complaint lodged by the petitioner, wherein the petitioner had undertaken that he would not involve himself in the life of the defacto complainant. Yet, after giving the said undertaking, the petitioner had once again started disturbing the life of the defacto complainant by posting objectionable materials about the defacto complainant in the Whatsapp group. Though it is the contention of the petitioner that he was only venting out his depression, however, venting out of his depression cannot be the basis for harming the reputation and modesty of the defacto complainant. Had really the intention of the petitioner been not to disturb the life of the defacto complainant, he would have refrained from even posting any materials about the defacto complainant, which is not the case here. Therefore, it clearly shows that the petitioner is involving in the life of the defacto complainant, which, in turn, affects the life of the defacto complainant.

12. Further, as submitted by the learned Government Advocate (Crl. Side), the investigation is in the nascent stage and the petitioner being a person, who does not adhere to the undertaking given by him in the earlier round of complaint, this Court is of the opinion that the undertaking given by the petitioner before this Court is only to escape from the clutches of law for the purpose of obtaining anticipatory bail and it cannot be said to be an undertaking coming from the heart. Therefore, this Court is not inclined to accept the said undertaking given by the petitioner.

13. As pointed out above, when the investigation is in the nascent stage, granting anticipatory bail to the petitioner would not only be detrimental to the effective conduct of the investigation, but also in the matter of jeopardizing the life of the defacto complainant.



14. For the reasons aforesaid, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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29/09/2021

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHIDAMBARAM,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. M.VELMURUGAN Advocate on payment of necessary charges SR.NO.10757

CRL OP.16331/2021

Date :29/09/2021

INBA-06/10/2021