



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17417 of 2021

M.V.JAYACANDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
W-35, ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI DISTRICT.
CRIME NO.13 OF 2020.

For Petitioner : M/S. A.JAYARAMAN Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 5(j) (i), 5(i) & 6 of Protection Of Children From Sexual Offences Act 2012 and 506 (i) of IPC in Crime No.13 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that A1 had love affair with the defacto complainant and thereby had sexual relationship. Thereafter he attempted to take video graphs of the private moments with the defacto complainant and collected huge money from the defacto complainant's family under threat of publishing the videos in the social media. Hence the complaint.

3. The learned counsel appearing for the petitioner on instructions submits that the petitioner did not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the main accused person A1 enlarged on bail. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submitted that A1 along with two other persons collected huge money from the victim girl on the guise of love affair and subsequently threatened her on publishing the videos in social media. Hence he opposed for grant of anticipatory bail to the petitioner.

5. This court perused the 164 statement. On perusal of 164 statement reveals that the victim girl on her own volition went along with the petitioner and had sexual relationship further no serious allegation was made against the petitioner.

6. Considering the facts and circumstances of the case and also considering that the co accused person enlarged on bail, this Court inclines to grant anticipatory bail to the petitioner.

7. 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 Leaned Judicial Magistrate No.I, Tambaram on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 for a period of two weeks and thereafter as and when required for interrogation;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-

21/09/2021

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 JUDICIAL MAGISTRATE,
NO.1, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-35, ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.JAYARAMAN Advocate on payment of necessary charges SR.No.10391

CRL OP.17417/2021

Date :21/09/2021

APN 05/10/2021