



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19046 of 2021

GANESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADAYAR,
CHENNAI.
CRIME NO.9/2021

[RESPONDENT]

For Petitioner : M/S.P.ABIRAMI Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Cr1. 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 342, 376, 354A, 354C, 323, 406, 506(1) of IPC in Crime No.09 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner introduced himself as film producer to the defacto complainant and also he promised and assured that he will give chance in his upcoming new project film as an heroine and later he developed friendship with the defacto complainant and thereafter photo shoot was taken by him. In the meantime, he proposed his love affair and they were living together relationship from 05.11.2019 onwards and they got separated on misunderstanding. In order to take revenge, the petitioner alleged to have issued defamatory and derogatory statements against the defacto complainant in a social media by causing criminal intimidation. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Infact, the defacto complainant has already borrowed a sum of Rs.40,00,000/- . When the same was demanded by the petitioner, the defacto complainant has sent hench men to attack the petitioner. Hence, the petitioner lodged a complaint before the law enforcing agency in Cr.No.137 of 2021 and as a counter blast, a false complaint has been filed by the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that there was a case in counter and the first complainant was lodged by the friend of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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, Chennai 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 10.30a.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 petitioner 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.

-sd/-

21/10/2021

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADAYAR, CHENNAI.

+2 CC to M/S.P.ABIRAMI Advocate on payment of necessary charges
SR.NO.11513

CRL OP.19046/2021

Date :21/10/2021

RW 22/10/2021