



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22659 of 2021

Kinghshuk debsharma

... Petitioner

Vs.

The State Represented By
The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai 600 004.
(Crime No.4 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of her arrest in connection with crime No.4 of 2021, on the file of the respondent police.

For Petitioner : Mr.S.Shanmuga Velayutham

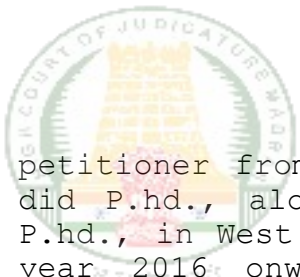
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 354, 354 (B), 354 (c), 506 (I) of IPC in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that that when she was studying in IIT Madras from the year 2016-2019, at that time the petitioner sexually harassed her with the help of the other three accused. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner left the IIT Madras in the year 2021. Thereafter defacto complainant tried to contact the petitioner through message and phone calls. Then she gave a complaint as she was harassed by the



petitioner from the 2016 onwards and he further submits that the he did P.hd., along with her in IIT Madras campus, now, he is doing P.hd., in West Bengal. As per FIR it narrated the many facts from the year 2016 onwards. One of the message he he has sent to the petitioner in the year 2020. Now he is in west Bengal due to jealousy over the petitioner, she lodged a false complaint. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable purpose as may be directed by this Court.

4. The learned Government Advocate (crl side) raising objection stating that investigation is not yet completed and the petitioner is still absconding and A3 was enlarged on bail.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that investigation is almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XVIII, 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, out of which, one surety shall be a blood surety 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Five thousand only) to the Madras High Court Advocate Clerks Welfare Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner is directed to report before the respondent police as and when required for investigation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/12/2021

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
W-22, ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI 600 004.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION, CHENNAI.

+1 CC to M/S. S.SHANMUGA VELAYUTHAM Advocate on payment of necessary charges SR.NO.14076

CRL OP.22659/2021

Date :06/12/2021

JPA 22/12/2021