



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3026 of 2021

Sanju

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kottar Police Station,
Nagercoil.

Crime No.35 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Dilip Kumar,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime no. 35 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.01.2021 for the offences punishable under Sections 294(b), 354(D), 506(ii) of IPC and Section 67(A) of Information Technology Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant's sister worked in Z3 Infotech Web Designing Centre which is owned by the petitioner herein and he had fixed a camera in the rest room and it was informed to the defacto complainant by his sister, while the same was questioned by the defacto complainant the petitioner criminally intimidated him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the cell phone and other articles have already been recovered from the petitioner and he is is jail from 30.01.2021, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein had fixed a camera in the rest room of the web designing centre where the defacto complainant's sister was working. On seeing the same, the defacto complainant's sister informed to him and when the same was questioned the petitioner herein criminally intimidated him. He would also submit that the petitioner intended to exploit the innocent women hence he opposed to grant bail to the petitioner.

5. It is seen that the petitioner commenced the business only during December 2020 and on 18.01.2021 the defacto complainant's sister and other two girls were employed and the sister of the defacto complainant found web camera fixed in the bath room and she informed the same to his brother and the same was questioned and thereafter the complaint has been lodged. The respondent police seized the camera and the hard disc and found no incriminating materials against the petitioner.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional Mahila Court(Magisterial Level) Nagercoil.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) 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.

iii) After coming out from prison within three days the petitioner shall file an affidavit before the Additional Mahila Court (Magisterial Level) Nagercoil that he will not indulge in such type of activities in future and will maintain good conduct

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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 were breached 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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8. Since the case is sensitive in nature and the privacy of the ladies are involved, the Superintendent of Police, Kanyakumari District is directed to monitor the investigation done by the police and to keep watch over the conduct of the petitioner. Further respondent police is directed to complete the investigation within the stipulated time.

sd/-

09/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE ADDITIONAL MAHILA COURT,
(MAGISTERIAL LEVEL), NAGERCOIL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL.
4. THE OFFICER INCHARGE
DISTRICT JAIL,
KANYAKUMARI DISTRICT AT NAGERCOIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SUPERINTENDENT OF POLICE,
KANNIYAKUMARI DISTRICT.

ORDER IN

CRL OP(MD) No.3026 of 2021

Date : 09/03/2021

AAV

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