



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

CrI.O.P.No.2230 of 2022

M.Baskaran

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
W-35, AWPS, Tambaram,
Chennai.
(Crime No.25 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 his arrest by the respondent police concerned in crime No.25 of 2021, on the file of the respondent Police.

For Petitioner : Mr.S.Pranavjit
for K.Chandru

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376, 354C, 506(2) of IPC and Section 67 of Information Technology Act, 2000, in Crime No.25 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant given a false complaint alleging that the petitioner and the defacto complainant was studying B.B.A in Vels University, Pallavaram. Both of them became friends and the petitioner with the help of his friend Aswin have took a secret photo when the defacto complainant was taking bath in the college premises. The petitioner showing the nude photo threatened the defacto complainant and had sexual intercourse several times against her will. Thereafter the petitioner and his friend demanded Rs.10,00,000/- or else they will upload the defacto complainant's nude photo in social media, which are totally false and baseless. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Accordingly, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner developed intimacy with the daughter of the defacto complainant and many photographs of the marriage was arranged for her daughter, he was showing the photos to public and social media, it needs detailed investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and co-accused already released on bail, the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.I, Tambaram, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 on every Monday, Wednesday and Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation and the petitioner shall surrender the cellphone along with Sim card to the concerned jurisdictional Court and shall not have any communication with victim family;

(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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/02/2022

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.I, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE
W-35, AWPS, TAMBARAM
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.CHANDRU Advocate on payment of necessary charges

CRL OP.2230/2022

Date :01/02/2022

RVR 09/02/2022