



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.406 of 2022

R.Manikandan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
W-30 All Women Police Station,
Poonamalle, Chennai-600 056.
(Crime No.32 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, concerned in Crime No.32 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.John Sathyan
for S.Akash

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.11.2021 for the offences under Sections 354(c), 417, 420, 506 (2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.32 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a body builder running Tonees Fitness at Kattukuppam. The defacto complainant is a Social Activist. On false promise, the petitioner had physical intimacy with the defacto complainant and refused to marry her. Hence, the complaint.

3. The learned Counsel for the petitioner submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has won many laurels for our country and he has declared as Mr.World in two international competitions and Mr.Tamil Nadu in four State Competitions. The



petitioner is running a GYM by name " Toneez Fitness Centre" at Kattupakkam, Chennai. He also submitted that earlier bail petition filed by the petitioner in Crl.OP.No.24501 of 2021 was dismissed by this Court on 23.12.2021. The petitioner is a victim of Professional rivalry and the defacto complainant in collusion with some persons of vested interests had planned to foist a false case against the petitioner. He further submits that the petitioner has been suffering incarceration for more than 50 days from 21.11.2021. Hence, he seeks for grant of bail to the petitioner.

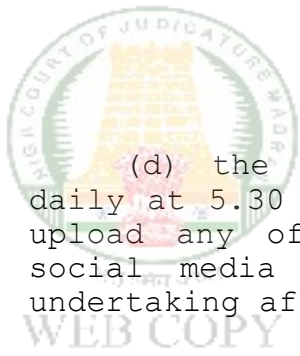
4. The learned Government Advocate (Crl. Side) would raise objection stating that the defacto complainant is a Social Activist working as Marketing Manager in a Private Company, who had intimacy with the petitioner through Social Media in the year 2019 and the petitioner appointed her as the Manager in his physical fitness centre at Kattupakkam. Thereafter, they were in love with each other and had physical relationship with her. The petitioner blackmailed the defacto complainant by showing the video clips. He further submits that the defacto complainant had seen multiple sexual videos of the petitioner with college girls, school girls and married woman visiting his gym. When she questioned about it, the petitioner abused and attacked the defacto complainant and also threatened her with dire consequences. Further, the petitioner paid Rs.10,000/- to kill her by using goons, when she visited her father's house at Iyyapanthangal, for approaching media and giving interview about the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that investigation was almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties, each like for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the *Judicial Magistrate No.1, Poonamalle* within 15 days from the date of commencement of the Court's normal functioning , failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;



(d) the petitioner shall report before the respondent police daily at 5.30 p.m. until further orders and the petitioner shall not upload any of the defacto complainant's photos or videos in the social media and to that effect, the petitioner shall file an undertaking affidavit before the concerned Court ;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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 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;

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

-sd/-

10/01/2022

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-30, ALL WOMEN POLICE STATION,
POONAMALLE, CHENNAI-600 056.

4 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.AKASH Advocate on payment of necessary charges
SR.No.462

CRL OP.406/2022

Date :10/01/2022

CSK 11/01/2022