



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

CrI.O.P.No.1334 of 2022

Sathish Kumar

... Petitioner

Vs.

State:

The Inspector of Police,
K6, T.P. Chatram Police Station,
Chennai.
(Crime No.318 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.318 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

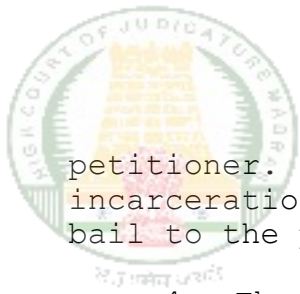
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.12.2021 for the offences under Sections 354 D(ii), 509, 506(ii) of IPC and 4 of Tamil Nadu Prohibition of Woman Harassment Act 2002 in Crime No.318 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that she was tortured by the petitioner by inviting her to have sexual relationship with her and he also threatened her to pour acid on her if she did not accede his demand and abused her over phone. Hence, the complaint.

3. The learned Counsel 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. He further submits that the petitioner is the friend of the defacto complainant's husband and she had an illicit relationship with with the petitioner, thereafter, her husband known about the illicit relationship, due to which, she lodged a false complaint against the



petitioner. He further submits that the petitioner was suffering incarceration for 30 days from 24.12.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner was tortured by the defacto complainant by inviting her to have sexual relationship with him and he also threatened her to pour acid on her if she did not accede his demand. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed and also considering 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 sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned V Metropolitan Magistrate, Egmore, Chennai-08 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 on every Tuesday at 10.30 a.m. until further orders and the petitioner shall not disturb the defacto complainant through any mode;

[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/-

24/01/2022

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI - 08.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
K6, T.P. CHATRAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.1334/2022

Date :24/01/2022

RVR 25/01/2022