



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Cr1.O.P.No.1935 of 2022

WEB COPY

1.Prabhu
2.Santhosh Kumar @ Santhosh ...Petitioners

Vs.

State Rep by
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City.
(Crime No.26 of 2022) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest or surrender in Crime No.26 of 2022 on the file of the respondent police.

For Petitioners : Mr.K.Navaneetharaja

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

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 342, 294(b), 147, 148, 323, 397, 448 and 506 (ii) of IPC and Section 66 - E of the information Technology Act, 2000 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons assaulted the defacto complainant and grabbed a sum of Rs.1,85,000/- and tortured him to blow air to a condom and the same was video graphed. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioner have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would submit that A1 is the friend of the defacto complainant, due to the matrimonial dispute accused/A1 and wife Sneha separated and live separately. Thereafter the defacto complainant has friendship with the A1 wife Sneha, which was misunderstood by the A1, due to which A1 called the defacto complainant to his house and assaulted him and threatened and tortured him to blow air into a condom and the same was video graphed, following which, they grabbed a sum of Rs.1,85,000/- from the defacto complainant on various occasion. He further submitted that the A1 and A2 already have arrested and released on bail and the other accused were still absconding and the investigation almost completed.

5. Considering the submissions made by both counsel and also considering the fact that there is no previous case as against the petitioner and the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, each deposit Rs.15,000/- (totally Rs.30,000/-) in Crime No on such deposit, the petitioners are directed to be released on bail in the event of arrest or on their 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 No.VII, Coimbatore, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police on every Tuesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation, defacto complainant is permitted to withdraw the amount of Rs.30,000/- on undertaking affidavit;

[c] the petitioners also directed to appear before the concerned Court on all hearings without fail and they shall file an undertaking affidavit that they shall not upload the obscene videos and photographs of the defacto complainant in the social media failing which the bail granted by this Court shall stand dismissed automatically;



(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-

31/01/2022

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.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SAIBABA COLONY POLICE STATION,
COIMBATORE CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1935/2022

Date :31/01/2022

RW 10/02/2022