



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Crl.O.P.No.2654 of 2022

C.Susil Kumar

.. Petitioner

Vs.

State, represented by
The Inspector of Police,
Cyber Crime Police Station,
Tiruppur City.
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.5 of 2021 on the file of the respondent police viz., The Inspector of Police, Cyber Crime Police Station, Tiruppur City.

For Petitioner : Mr.Arun Anbumani

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.01.2022 for the offences under Sections 66E and 67A of Information Technology Act 2000 and Sections 354C and 56(i) of IPC in Crime No.5 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the accused moved very closely and during their relationship, the petitioner had taken photos of their compromising position in his mobile phone and threatening the complainant of uploading the said video and photos in social media unless she comes to Muscat. 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 maternal uncle's son of the defacto complainant and the petitioner and the defacto complainant are both married to different spouses and have children through such marriages. The petitioner was arrested on 07.01.2022 when he landed at the Trivandrum Airport from Muscat. The petitioner was thereafter brought to Tiruppur by the respondent police and after investigation by the respondent police, he was produced before the learned Magistrate and remanded to judicial custody and thereafter the petitioner's passport, mobile phone and other belongings were seized from him and the same was taken by the respondent police. He further submits that the petitioner has been suffering incarceration for more than 25 days from 08.01.2022. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) on instructions submits that the investigation was almost completed and he further submits the already the petitioner's mobile phone was seized by the respondent police in the Airport. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the fact that 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.3, Tiruppur 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 Saturday at 10.30 a.m. until further orders and the petitioner shall not communicate the defacto complainant till disposal of the case;



[e] the petitioner also directed to appear before the concerned Court on all hearings without fail and he shall file an undertaking affidavit that he 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;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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/-

03/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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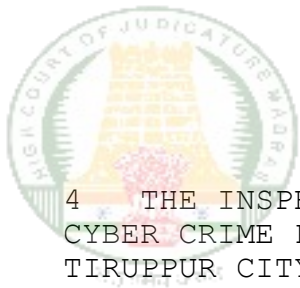
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.



4 THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
TIRUPPUR CITY .

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.ARUN ANBUMANI Advocate on payment of necessary
charges SR.NO.1791

CRL OP.2654/2022

Date :03/02/2022

RW 03/02/2022