



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

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

Crl.O.P.No.4342 of 2022

S.Tarzan

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.
(Crime No.257 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.257 of 2021, on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 384, 509, 354C, 506(ii) of IPC 1850 (as amended) read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 (as amended) read with Section 67 of the Information Technology Act, 2000 (as amended) in Cr.No.257 of 2021 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioner, by suppressing his first marriage, has married the defacto complainant, their marriage was solemnized at Infact Church, Bangalore, on 18.10.2019 and they took their photos and gold jewels were also purchased in the name of the defacto complainant. They went to honeymoon to Ooty and other places together and took several photos. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner charged for the offence under Section 450, 376 (2)(n), 506(2), 292 A and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 (as amended) read with 67 of the Information Technology Act, 2000 (as amended) in Cr.No.15 of 2021 before the All Women Police Station, Kadambathur, in which, he was arrayed as A1 and remanded to the judicial custody for 90 days, then, he released on statutory bail. In the meanwhile, the another complaint was lodged by the defacto complainant before the Thiruvallur police station for the same offence and the FIR was registered in crime No.257 of 2021. Hence, he prays for grant of anticipatory bail.

4. The learned Government advocate (Crl. Side) raised objection stating that the petitioner sexually harassed the defacto complainant. Apart from that the petitioner threatened the defacto complainant that he will telecast the photographs in Social Media. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts it is clear that this petitioner was arrested and remanded to the judicial custody. Subsequently, the petitioner was released on statutory bail. Thereafter, the de facto complainant gave another complaint carrying the same allegations as in previous FIR 15 of 2021. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate No.II, Tiruvallur, and on further conditions 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 as and when required for an interrogation ;

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



[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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/-

03/03/2022

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.II, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.No.3333

CRL OP.4342/2022

Date :03/03/2022

CSK 11/03/2022