

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twenty Fifth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION (MD) No.5388 of 2022

INNACIYAMMAL

[ PETITIONER / ACCUSED NO.4 ]

Vs

THE STATE REP. THROUGH  
THE INSPECTOR OF POLICE,  
SRIVILLIPUTHUR TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.23 OF 2022

[ RESPONDENT / COMPLAINANT ]

For Petitioner : M/S.SELVAKUMAR.V, Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 354(A), 506(i), 509 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2000 and Section 67 of Information Technology Act, 2000 in Crime.No.23 of 2022 seeks anticipatory bail.

2. Brief facts of the case is as under:-

(a) The de-facto complainant had preferred the complaint before the respondent police on 12.01.2022 at about 01.00p.m., based on which, the respondent had registered a case against the petitioner for the offences under Sections 354-A, 506(1), 509 of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and under Section 67 of the Information Technology Act, 2000.

(b) The averments in the complaint as per the de-facto complainant is that she is the Joint Secretary of the Women's Wing of the AIADMK party, for the past seven years and the accused also

belongs to the same party. In the recent Assembly Election, A1 had contested at Srivilliputhur Assembly Constituency and during the said election campaign, the de-facto complainant had spent huge amount of her own and as a result, A1 won the election and was elected as the Member of the Legislative Assembly of the Srivilliputhur Constituency. After election, the de-facto complainant had approached A1, demanding money that she had spent during election. A1 had been delaying the repayment.

(c) Due to the delay in payment, the de-facto complainant had approached A4, who also belongs to the same political party and having good relationship with A1, to help her to get the money back from A1. In such circumstances, the petitioner had played an audio clipping in her mobile phone, which is the conversation between A1 and the petitioner. In the said audio conversation, A1 had mentioned the name of the de-facto complainant and described her outraging her modesty and character, and in the said conversation, A1 had also asked the petitioner to bring girls aged about 20 years to him, out of the Women's Wing of the party and had also degraded the character of the Women party workers.

(d) In continuance of the same, A2 and A3 have met the de-facto complainant and threatened her not to disclose the audio clipping to anyone and they have also obtained signature in a blank stamp paper, as if she had taken back the money from A1. Further allegation is that accused had intimidated her and based on the above complaint, the case was registered.

3. The learned counsel for the petitioner would submit that due to political enmity, the petitioner has been falsely implicated in this case. He would further submit that the petitioner is not a person, who has circulated the alleged audio conversation, even then it is a private conversation between the first accused and the defacto complainant. The learned counsel would further submit that the petitioner is prepared to abide any stringent condition that may be imposed on her and co-operate with the respondent/Police for investigation. He would further submit that the co-accused/A1 to A3 in the same Crime No.23 of 2022 on the file of the respondent Police have already been granted anticipatory bail by this Court in CrI.O.P(MD). Nos.2901, 2121 and 3197 of 2022 on 21.02.2022, subject to conditions and hence, he prays to grant anticipatory bail.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner is arrayed as A-4 in this case and he submits that she is the person who has spoken defamatory and obscene things to the defacto complainant and during the conversation, they have also discussed about the activities of women in public in a disrespectful manner.

5. Taking into consideration the facts of the case and also the similarly placed co-accused/A1 to A3 have already been granted anticipatory bail by this Court, this Court is of the opinion that it is not a case requiring custodial interrogation of the petitioner. In view of the above, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Additional Mahila Judicial Magistrate Court, Srivilliputhur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) the petitioner and the sureties shall affix his 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 daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

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

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

(e) 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 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;

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/03/2022

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 ADDITIONAL MAHILA  
JUDICIAL MAGISTRATE, COURT, SRIVILLIPUTHUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
VIRUDHUNAGAR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
SRIVILLIPUTHUR POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S.SELVAKUMAR, Advocate on payment of necessary charges  
SR.NOS.4503 & 4529

CLOP (MD) .5388/2022

Date :25/03/2022

JPA 13/04/2022