



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10486 of 2022

DIPIT

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-10, FLOWER BAZAAR,
CHENNAI.
CRIME NO.03 OF 2022.

[RESPONDENT]

For Petitioner : M/S. N.BAASKARAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence **under Sections 366, 376 (3), 384 and 506 (1) of I.P.C and 5 (1) and 6 of POCSO Act**, in Crime No.3 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is seen from the submission of counsel appearing for parties that, the first accused Dhusar and the defacto complainant had affair. At the instance of the first accused, defacto complainant said to have sent her nude photographs from her cell phone number 8072253751 to the cell phone of first accused bearing number 9176492467. Seducing her on the promise of marriage, he had sexual relationship with her several times. Then, started demanding money on the threat of exposing the photos in the social media network. Thus, this case came to be registered against the first accused and other accused.



3.Learned counsel for the petitioner submitted that petitioner is the fourth accused in this case. He has nothing to do with the alleged relationship between defacto complainant and the first accused, nor did he have any role in the threat made by the first accused in the demand of money with the threat to expose the nude photographs in the social media network. In fact, he helped in deleting the obscene photographs from the phone of first accused. It is also submitted that A2 and A3 arrested and released on bail.

4.Learned Government Advocate (Crl. Side) submitted that 164 Cr.P.C. statement recorded from the victim. It is further seen from the 164 Cr.P.C. statement, nothing incriminating is said against this petitioner.

5.Taking note of the factual background of this case and that there is nothing incriminating is available against the petitioner. Thus, this Court is of the view that custodial interrogation of the petitioner is not necessary. In fine, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 **Special Court for POCSO, Chennai**, on condition that the petitioner shall execute a bond for 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 not tamper with evidence or witness either during investigation or trial;

(c) **the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further orders;**

(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.

-sd/-

06/05/2022

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 SPECIAL COURT FOR POCSO,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-10, FLOWER BAZAAR,
CHENNAI.

+2 CC to M/S. N.BAASKARAN Advocate on payment of necessary charges SR.NO. 6816

CRL OP.10486/2022

Date :06/05/2022

TA-12/05/2022