



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11323 of 2022

S.PRASANTH

[PETITIONER / ACCUSED]

Vs

STATE OF TAMIL NADU
THE INSPECTOR OF POLICE,
C3, SAIBABA COLONY POLICE STATION,
COIMBATORE CITY.
(CRIME NO.179 OF 2022)

[RESPONDENT]

For Petitioner : M/S. DEEPANUDAY Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.04.2022 for the alleged offence under Sections 377, 397 and 506(ii) IPC in Crime No.179 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant seems to be a gay person and he was in contact with the petitioner through an App called Blud. It seems that the petitioner and the defacto complainant involved in a sexual act and this was videographed by the two other accused persons. Thereafter, the defacto complainant is said to have been threatened by those two accused persons to part with money, failing which, the videograph will be exhibited in the Social Media. When the defacto complainant informed about the same to the petitioner, he was threatened and the petitioner is said to have taken away the mobile phone from the defacto complainant in knife point.



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3. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and the petitioner is a college student whose career is at stake. The learned counsel further submitted that the petitioner has already suffered incarceration for more than 30 days and sought for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl.Side) submitted that there are totally three accused persons in this case and the petitioner is arrayed as A1. It was further submitted that the accused persons had threatened the defacto complainant and had taken away his mobile phone and a sum of Rs. 2,500/-. The learned Government Advocate (Crl. Side) also submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and also the fact that the petitioner has already undergone incarceration for more than 30 days, this Court does not find any purpose in keeping the petitioner behind bars.

6. In view of the above discussion, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate VII, Coimbatore, and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

18/05/2022

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-VII,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
C3, SAIBABA COLONY POLICE STATION,
COIMBATORE CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. DEEPANUDAY Advocate on payment of necessary
charges SR.NO.7285

CRL OP.11323/2022

Date :18/05/2022

CSK 19/05/2022