



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12432 of 2022

MANICKAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
C3, SAIBABA COLONY POLICE STATION,
COIMBATORE DISTRICT.
CR.NO. 179 OF 2022.
(AMENDED AS PER ORDER IN CRL.MP.7002 OF 2022
DATED 02/06/2022)

[RESPONDENT]

For Petitioner : M/S.M.SUBASH Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 18.04.2022 for the offence punishable under Sections 377, 397 and 506(ii) of 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 was working as a cook in the TASMACH shop situated at Kalingarayan Street, Gandhipuram and he was a member of one social network application viz., Blud. The defacto complainant was having a habit of homosexuality and he has been in contact with many men. On 26.03.2022 at 2.30 p.m., the A1/Prasanth called the defacto complainant over phone and asked to come to the backside of the Gandhipuram bus stand for having homosexuality. Accordingly, the defacto complainant reached there and from there the said A1 brought the defacto complainant to the Railway track situated at the back side of Ganga hospital and they were in hilarious. In such circumstances, the petitioner and A2 came there and told them that they took the video-graph of their privacy and demanded to give money and in case of default, they would publish the said video in the social network. Further, they snatched a cellphone and Rs.2,500/-



from the defacto complainant and fled away from the place. On suspicion, when the defacto complainant asked the said accused/A1 that this would not happen without the knowledge of him, at that time, the A1 threatened the defacto complainant by using knife. Thereafter, on 03.04.2022, the defacto complainant saw the A1 who snatched cell phone from the defacto complainant and asked for the cell phone. At that time, the said accused threatened the defacto complainant by using knife. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 18.04.2022. The co-accused were already arrested and released on bail. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) would submit that there are totally three accused. The petitioner is arrayed as A3. He would further submit that the petitioner and the defacto complainant are friends and they are homosexuality and they were taken video-graphs of their privacy. The petitioner and the other accused threatened the defacto complainant and demanded to give money and in case of default, they would publish the video in the social network and snatched the cell phone and fled away. The mobile phone is yet to be recovered from the accused. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 18.04.2022 and the co-accused were already arrested and released on bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.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 daily at 10.30 a.m. and 5.30 p.m, until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



[d] the petitioner shall not tamper with evidence or witness 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.

-sd/-

06/06/2022

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.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
C3, SAIBABA COLONY POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.M.SUBASH Advocate on payment of necessary charges

CRL OP.12432/2022

Date :06/06/2022

RVR 07/06/2022