



WEB COPY



Crl.O.P.No.16722 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16722 of 2022

Sivakumar

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Aminjikarai Police Station,
Chennai.
Crime No.294 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.294 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



Crl.O.P.No.16722 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.06.2022 for the offences punishable under Sections **341, 294(b), 354, 509 and 506(i) of IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002 and Sections 66E & 67 of the Information Technology Act, 2000** in crime No.294 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner and the defacto complainant were in love for six years. Later, the defacto complainant refused to marry the petitioner. For which, the petitioner threatened the defacto complainant that, if she refused to marry him, he will upload the obscene videos of her in social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner and the defacto complainant



Crl.O.P.No.16722 of 2022

were in love for the past six years. Since, the petitioner has no job, in order to break-up the relationship with the petitioner, a false complaint has been lodged. That apart, the petitioner has been suffering incarceration from 25.06.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the entire mobile phone and other memory cards have been recovered from the petitioner by the respondent police. However, he opposed for grant of bail to the petitioner.

5. It is seen that, even according to the case of the prosecution, the petitioner and the defacto complainant fall in love while they were doing their under graduation ie, before six years. They planned to marry each other after getting Government Job. However, the petitioner failed to get any job but he insisted for marriage, for which, the defacto complainant refused. Hence, the petitioner threatened the defacto complainant that if she is not willing to marry him, he will upload the obscene video graphs which were taken by him when they were in



Crl.O.P.No.16722 of 2022

relationship and now the entire mobile phone and other memory cards have been recovered by the respondent police

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 25.06.2022, 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 **V Metropolitan Magistrate, Egmore, Chennai** 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.



Crl.O.P.No.16722 of 2022

WEB COPY

[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of six weeks and thereafter as and when required for interrogation;

[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.

19.07.2022

sma

To

1. V Metropolitan Magistrate,
Egmore, Chennai.

5/7



Crl.O.P.No.16722 of 2022

2. The Inspector of Police,
Aminjikarai Police Station,
Chennai.

3. Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

sma



WEB COPY



Crl.O.P.No.16722 of 2022

Crl.O.P.No.16722 of 2022

19.07.2022