



CrI.O.P.No.21804 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.21804 of 2022

Dharmalingam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Bhavani, Erode.

(Crime No.13/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.13 of 2022 on the file of the respondent.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 12.08.2022 for the offences punishable under Sections 354-A, 354-B, 354-C, 383 of IPC and Section 67 of IT Act, 2000 in Crime No.13 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.08.2022 at about 07.00 hours, the defacto complainant namely Selvi.Gobika, aged about 19 Years has lodged a complaint before respondent police by stating that the A2 namely Dharmalingam/Petitioner herein who is related as uncle to defacto complainant had torn her dress and outraged her modesty and A2 taken photographs of his genital organ in his mobile phone [Screen Shot] and sent to defacto complainant's mobile by whatsapp, based on the above, a case was registered in All Women Police Station, Bhavani, Erode in Crime No.13 of 2022, under Sections 354-A, 354-B, 354-C, 383 of IPC and Section 67 of IT Act, 2000.



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3. The learned counsel appearing for the petitioner would submit that the petitioner and the de facto complainant are relatives and there was a consensual relationship between them. He would further submit that the chat between the de facto complainant would show that they were having a very close relationship and the de facto complainant had also developed a relationship with A1 and when it was questioned by her father, she had disclosed her relationship between the petitioner and also a relationship with A1 and thereby on the compulsion of the her father, complaint has been given against the petitioner. He would further submit that the petitioner had appeared in the inquiry and had also furnished printouts of the chat messages between the petitioner and the de facto complainant which would show there was a consensual relationship between them. He would further submit that even as per the complaint, the phone of the de facto complainant has been destroyed by her father and the phone of the petitioner was recovered and now it is in custody of the respondent.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the petitioner, who is a close relative of the de-facto



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complainant, has misused his relationship with the petitioner and induced the de-facto complainant and made her to submit to his sexual desires and he has also threatened the de-facto complainant. He would also submit that later, the first accused, on coming to know about the relationship between the petitioner and the de-facto complainant had threatened the de-facto complainant and he had also taken printout of the obscene photograph of the de-facto complainant. He would further submit that the investigation is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the CD file and the materials submitted by the petitioner.

6. Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five**



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thousand only) with two sureties, each for a like sum to the satisfaction of
the Judicial Magistrate - II, Bhavani 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 stay at Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station, everyday at 10.30 a.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]***;



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

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To

1. The Judicial Magistrate-II
Bhavani.
2. The Inspector of Police,
All Women Police Station,
Bhavani, Erode.
3. The District Jail,
Gobichettipalayam.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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